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Consideration of reports submitted by States parties under article 40 of the Covenant

Fourth periodic reports of States parties due in 2013

Azerbaijan* **

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Introduction

1. The present report is the fourth periodic report of the Government of the Republic of Azerbaijan submitted in accordance with Article 40, paragraph 1, of the International Covenant on Civil and Political Rights (hereinafter "the Covenant"). The fourth periodic report reflects the measures taken by the Government of the Republic of Azerbaijan to implement the rights enshrined in the Covenant and the progress made in exercising those rights within the period between the years 2007-2013.

2. By the Presidential order No. 2963 of 24 June 2013 the working group was established for the preparation of the present report. The working group comprised the senior officials of the ministries of foreign affairs, internal affairs, justice, labour and social protection of population, youth and sport, economy and industry, culture and tourism, defense, national security, education, the Office of the Prosecutor-General, the State Committee for Family, Women and Children Affairs, State Statistics Committee, State Migration Service, Central Election Commission, the Council on the State Support to the Non-government Organizations under the auspices of the President of the Republic of Azerbaijan, State Committee for Work with Religious organizations, State Committee on deals of refugees and Internally displaced persons.

3. The report has been prepared in accordance with the Human Rights Committee's general guidelines regarding the form and content of States' reports under Article 40, paragraph 1, of the Covenant. During the preparation of the fourth periodic report special attention was paid to the recommendations given in the concluding observations (CCPR/C/AZE/CO/3) to the third periodic report of the Republic of Azerbaijan (CCPR/C/AZE/3).

4. As stated in the paragraphs 10-15 of the third periodic report, the major obstacle for the full and effective implementation of the Covenant remains the continuing occupation of the Azerbaijani territories by Armenia. In this regard, four resolutions (822, 853, 874, 884) adopted by the Security Council are not yet implemented. The resolutions reaffirmed the sovereignty, territorial integrity and inviolability of frontiers of the Republic of Azerbaijan and demanded the immediate, complete and unconditional withdrawal of all occupying forces from the occupied territories.

5. As the result of Armenian aggression, there are more than a million refugees and IDPs in the Republic of Azerbaijan which create serious impediments for the ensuring to those people the rights and freedoms enshrined in the Covenant.

Information on individual articles (1–27)

Article 1

6. The Republic of Azerbaijan reaffirms its commitment to recognize the right of people to self-determination, to freely determine their political status and to pursue their economic, social and cultural development.

7. Article 16 of the Constitutional Act of the Republic of Azerbaijan on State Independence stipulates: "The Republic of Azerbaijan shall, in accordance with the generally recognized rules of international law, build its relations with other States on the basis of the principles of the sovereign equality of States, the non-use of force or of the threat of force, the inviolability of State frontiers, the settlement of disputes by peaceful means, non-intervention in the internal affairs of other States, respect for human rights and

fundamental freedoms, the equality of peoples and their right to self-determination, cooperation between States and the fulfillment in good faith of international legal obligations".

8. The right of people to self-determination is of particular importance for the people of Azerbaijan, who, by implementing this right through their sustained efforts, lawfully regained its independence.

9. Article 2 of the Constitution of the Republic of Azerbaijan adopted at the national referendum on 12 November 1995 and came into force on 27 November of the same year, provides that it is the sovereign right of the people of Azerbaijan freely and independently to determine their destiny and establish their own form of government.

10. The Article further states: "The people of Azerbaijan exercise their sovereign right directly-by way of nation-wide voting — referendum, and through their representatives elected on the basis of universal, equal and direct suffrage by way of free, secret and personal ballot."

11. The Republic of Azerbaijan is firmly convinced that the guiding principles of democratic societies — equality, the rule of law, respect for human rights, freedom of choice, and tolerance — should be applied in the same degree to international relations. Such relations should be founded on the principles of the sovereignty, equality and territorial integrity of States, non-interference in each other's internal affairs and peaceful coexistence.

12. Azerbaijan further believes that realization of the right of people to self-determination must not be used as a pretext for infringement of the territorial integrity, national unity or ethnic harmony of independent States. From this point of view, the right of people to self-determination should be given its original, true significance; that would not destroy, but on the contrary strengthen the national independence, sovereignty and territorial integrity of States whose Governments advocate the interests of all members of their populations without distinction.

Article 2

13. Article 25 of the Constitution of the Republic of Azerbaijan provides the equality of all persons before the law and the courts. Since the submission of the third periodic report of the Republic of Azerbaijan, certain significant legislative and other measures had been taken for more effective implementation of Article 2 of the Covenant.

14. As the result of the referendum held on 18 March 2009 for making amendments to the Constitution, the content of the rights to equality and on non-discrimination was extended, their important safeguards were stipulated on constitutional level. In accordance with the amendments made to Article 25 of the Constitution, no one may be harmed, granted advantages or privileges, or refused to be granted advantages or privileges on the grounds of race, ethnicity, religion, language, gender, origin, property, official position, faith and other reasons. Everyone shall be guaranteed equal rights in any proceedings before state authorities and bearers of public authority that decide upon his rights and duties.

15. As a result of the significant economic development, the increase of the number of foreigners visiting Azerbaijan had been observed since the submission of the third periodic report of the Republic of Azerbaijan. Therefore, various measures have been taken for more effective protection of rights of foreigners and stateless persons. According to Article 69 of the Constitution of the Republic of Azerbaijan, foreigners and stateless persons staying in the territory of Azerbaijan shall enjoy all rights and must fulfill all duties equally with the

citizens of the Republic of Azerbaijan unless otherwise provided by law or international treaty to which the Republic Azerbaijan is a party. The rights and freedoms of foreigners and stateless persons permanently living or temporarily staying in the territory of the Republic of Azerbaijan may only be restricted in accordance with international legal rules and laws of the Republic Azerbaijan.

16. Rights of foreigners and stateless persons are also regulated by Article 13 of the Labour Code of the Republic Azerbaijan. According to this Article, foreigners and stateless persons may enjoy all labour rights and fulfill obligations arising from those rights equally to the citizens of the Republic of Azerbaijan while staying in the territory of the Republic of Azerbaijan, unless otherwise specified by the law or the international treaties to which the Republic of Azerbaijan is a party. The labour rights of foreigners and stateless persons, provided in the Labour Code and other normative legal acts can't be restricted, unless specified by the law.

17. Pursuant to the Decree of the President of the Republic of Azerbaijan of July 8, 2013 about the application of Law of July 2, 2013 on "Approval, entering into force of the Migration Code of the Republic of Azerbaijan and legal regulation related to the matter", The Migration Code of the Republic of Azerbaijan came into force on August 1, 2013. Rights of foreigners and stateless persons were reflected under Article 74 of the Code. According to this Article foreigners and stateless persons may enjoy all equal rights as the citizens of the Republic Azerbaijan while staying in Azerbaijan Republic, if not specified otherwise by the law and the international agreements to which Azerbaijan is party.

18. With regard to the protection of rights of foreigners and stateless persons, it should be further mentioned that, in accordance with Article 439 of the Code of Civil Procedure, such persons have the right to appeal to courts of the Republic of Azerbaijan for protection of the their violated or disputed rights and interests protected by law. Foreign persons equally with the citizens of the Republic of Azerbaijan enjoy procedural rights and bear procedural obligations.

19. Regarding the internal protection mechanisms of the rights enshrined under the Covenant it should be stressed that a person may appeal directly to the court or, in subordination order, to the high state authorities, local self-government authorities, enterprises, institutions and organizations, public unions, officials for decisions and actions (inaction) that violate his rights and freedoms.

20. Commissioner for Human Rights (Ombudsman) can be indicated as another protection mechanism. The post of Commissioner was established in accordance with the constitutional law dated of 28 December 2001 for prevention and restoration of human rights and freedoms — determined in the Constitution and international agreements which the Republic of Azerbaijan is party to — violated by the state and local self-government authorities, and officials. Ensuring protection of civil and political rights is the one of the main spheres of competence of the Commissioner. For that reason specialized sector was established for the investigation of applications on violation of human rights and freedoms on this field under the Apparatus of Human Rights Commissioner, and special counselor was empowered for this issue.

21. In response to the recommendation stated under paragraph 4 of the concluding observation on inclusion of the detailed information regarding the number and the outcome of complaints received and determined by the Office of the Human Rights Commissioner, as well as on the concrete actions taken by the authorities in each case, it must be stressed that the Commissioner carefully investigated all applications without discrimination by giving priority to field investigations, including those related to the violation of civil and political rights, and in each case took all necessary measures to restore violated rights. The

table reflecting statistical indications concerning the complaints for 2008-2012 is attached to the present report (Annex 1).

22. Measures taken by Human Rights Commissioner for the protection of human rights and freedoms enshrined under the Covenant stated in the following paragraphs of the present report.

23. It should be noted that in order to ensure continuance of measures taken in the field of human rights "National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan" (hereinafter "National Program for Action") was approved by the decree of the President of the Republic of Azerbaijan of 27 December 2011. Improvement of legislation, enhancing activity of state organs, protection of rights of different groups of people and other measures were determined under the National Program for Action. Paragraphs 1.1 and 1.2 of the National Program of Action regarding the protection of rights — reflected under the Covenant — within the framework of national legislation should be specifically highlighted. The paragraph 1.1 of the mentioned program provides the necessity to be guided, as main criteria, by the human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and the international treaties to which Azerbaijan is a party while drafting laws of the Republic of Azerbaijan. Implementation of the commitments and obligations arising from the international treaties on human rights and freedoms to which the Republic of Azerbaijan is a party and ensuring compliance of regulatory and legal acts of the Republic of Azerbaijan with international legal instruments were reflected in the paragraph 1.2 of the National Program for Action and the Cabinet of Ministers, the Administration of the President of the Republic of Azerbaijan, Ministries of Justice and Foreign Affairs, such as Scientific Research Institute for Human Rights of the Azerbaijan National Academy of Sciences were charged for implementation of these issues.

24. In general, several provisions under chapters of "protection of rights of various population groups", "improving the activity of government agencies", "educational, scientific analytical and enlightenment activities in the area of human rights", "cooperation with international organizations in the field of human rights" and "coordination, monitoring and evaluation of the implementation of the National Program for Action" were reflected in the National Program for Action.

25. Another condition for achieving effective protection of the rights enshrined under the Covenant is the elimination of corruption cases in this field. In this regard, it should be highlighted that "National Strategy on Enhancement of Transparency and Fight against Corruption" was implemented during 2007-2011 years with the aim to improve the activity of the state bodies in compliance with modern standards.

26. By the decree of the Head of State dated to September 5, 2012, National Action Plans on the promotion of the Open Government and Combating Corruption were adopted. The Action Plans cover the period of 2012-2015 and aim to ensure sustainability of anti-corruption measures in the Republic of Azerbaijan, to increase transparency in the functioning of state bodies, to organize governance in accordance with modern standards and promote the principles of open government.

27. At the same time, pursuant to the recommendations of the Council of Europe's Group of States against Corruption (GRECO) a number of significant amendments have been made to the Criminal Code in June 2011. The title of the thirty-third chapter of the Code was changed to "Corruption crimes and other crimes against public interests", the issues like the circle of persons criminally liable for crimes of corruption and the enforcement of criminal law with regard to the crimes committed outside of the territory of the Republic of Azerbaijan were specified.

28. Moreover, in accordance with the law on the amendments to the Criminal Code dated to March 7, 2012 criminal liability of legal entities for criminal acts specified in Article 308 (abuse of power), 311 (reception of a bribe (passive bribery), 312 (presentation of a bribe (active bribery), 312.1 (illegal influence over the decision of the official (authority selling) 313 (service forgery) and other articles was determined.

29. According to the Constitutional Law "On Normative-Legal Acts" dated to December 21, 2010 a special emphasis was put on anti-corruption expertise of normative legal acts, and in accordance with the legislation, all the adopted normative-legal acts were included in the State Register of Legal Acts (www.huquqiaktlar.gov.az).

30. Paying special attention to the comprehensive and full investigation of crimes of corruption, organs in charge of internal security were established in the Ministry of Justice in 2006 such as Inspection to Supervise Execution of Punishments, as well as Group of Service Investigation under Organization and Supervision General Department, Internal Investigation Division under Penitentiary Service. At the same time a number of normative documents in this field were adopted, including "Code of ethical conduct of notary" in 2006, "Regulations of ethical conduct of justice servants" in 2007, "Regulations on carrying out of service control" in 2009, "Regulations on considering of complaints incoming into hot-line of the Ministry of Justice" in 2011, as well as new regulations simplifying procedure of reception of citizens in justice bodies.

31. Within the framework of anticorruption measures the monitoring group was established under the Ministry of Justice in 2011. The group by conducting regular monitoring to justice bodies in the different regions of the Republic studies the public opinion on the situation of compliance with executive and labor discipline, regulations of ethical conduct, and corruption. Necessary measures are taken for the elimination of the discovered shortcomings and the issues that resulted with public dissatisfaction. Taking into consideration the efficiency of this activity, by the order of the ministry dated to June 20, 2013 the composition of the group has been enlarged, representatives of civil society have been involved into its work, as well as the group has been granted with additional authorities.

32. International cooperation in the field of the fight against corruption is considered to be of utmost importance. Azerbaijan, being one of the founders actively participates in the work of International Association of Anti-Corruption Authorities which involves more than 140 states; minister of justice of the Republic of Azerbaijan is the vice president of the very organization. The Republic of Azerbaijan having acceded to the Statute of the International Anti-Corruption Academy has become its member.

33. At the same time by the Law dated to February 1, 2013 our country has acceded to the Additional Protocol of Criminal Law Convention on Corruption with respective interpretative declaration.

34. We note that 1015 persons were convicted under chapter thirty three of the Criminal Code (corruption crimes and other crimes against service interest) in 2007 — first six months of 2013 by the courts of first instances.

35. In accordance with the Decree of the President on provision of e-services by state agencies e-services section was put into use on the website of the Ministry of Justice. By means of this section citizens can obtain detailed information about working regime of justice bodies, deployment, contacts, rules for the conduct of a variety of legal services, required documents and fees, and can apply electronically and register for a reception.

36. In order to improve the efficiency of legal services rendered to the population, universal e-service kiosks were installed in a number of justice agencies, including all the notary's offices of Baku city. Through the kiosks citizens can obtain necessary information

about the activities of the justice bodies without contacting administrative staff and get certain extracts. The possibility of making payments by plastic bank cards was made available in e-service kiosks used at the notary organs. The application of such positive practice has been launched at the registration organs as well.

37. In the framework of policies directed towards strengthening quality of service for citizens and the fight against corruption by the Presidential Decrees of 13 July and 5 September, 2012, the State Agency for Service of Citizens and Social Innovations (ASAN) under the auspices of the President of the Republic of Azerbaijan and ASAN service centers were established. This concept is based on principles of efficiency, transparency, politeness, responsibility, and comfort, and is designed to provide service to citizens in conditions of comfort, with new methods, in a more single and coordinated form, prevent corruption cases, and guarantee citizen satisfaction. As of now the ASAN Service Centers provides the services of nine state authorities.

38. It should be noted that, ASAN Service Centers have earned the people's approval and during 2013 more than 500 thousand citizens made requests thereto. Out of the capital the ASAN Service operates mobile, and in the next years it is planned to cover all regions.

39. With regards to the judicial practice for the effective protection of the rights enshrined under the Covenant, as the first instance court, Shamakhi district Court can be taken as an example. During the 2009-2013 years this court referred to the Article 14 of the Covenant in 38 cases — 12 of them were on family relations, 7 on land, 6 on apartment, 3 on property, 1 on labor relations, 5 on property right, 3 on damage, and 1 on money request.

40. In addition, courts of Appeal referred many times to the Articles 9 and 14 of the Covenant in civil and criminal cases, for instance, in the decision of the Baku Court of Appeal dated to 29.08.2013, on case of A. Zeynalov against Sabayil district department of State Social Protection Fund for recalculation and reimbursement of pension, in the decision of the same court dated to 09.10.2012, on case of Kh. Huseynov against Department of Trade and Service of Baku City for delegation of duty for issuing license for selling alcoholic beverages and tobacco products to the defendant, moreover, in the judgment of Ganca Court of Appeal dated to 09.02.2012 on overruling Ganca District Court's judgment on sentencing A. Baghirov for the breaching Article 221.2.2 (Hooliganism) of the Criminal Code.

Article 3

41. As stated above Article 25 of the Constitution of the Republic of Azerbaijan adopted on November 12, 1995 provides the right of equality, ensures equality of rights and freedoms irrespective of gender and prohibits restriction of rights and freedoms of a person and citizen due to sex. The principle of equality between women and men in all spheres of life was widely reflected in the legislation of the republic based on the Constitution.

42. Azerbaijan ratified almost all fundamental international documents on protection of women's rights since its independence. The Convention on the Elimination of All Forms of Discrimination against Women adopted by the General Assembly in 1979, ILO Conventions No. 100 on Equal Remuneration for Men and Women Workers for Work of Equal Value, No. 111 on Discrimination in the field of employment and occupation and No. 103 on Maternity Protection are of great importance among the international documents. Reports about implementation of the obligations arising from those international documents are periodically prepared and submitted to the respective international organizations.

43. Employer's duties related to discrimination in employment were established by Article 7 entitled "Employer's duties in employment" of the Law of the Republic of Azerbaijan on Gender Equality dated to 10 October, 2006. Article stipulates that employers must ensure equality of men and women in employment and fulfill the following duties:

- To treat equally and create equal opportunities for employees irrespective of gender in recruitment, promotion, professional retraining, mastering another specialty, further training, assessment of quality of activity and dismissal;
- To ensure equal working conditions for employees engaged in the same activity irrespective of gender;
- Not to apply different disciplinary measures to employees regarding the same violation irrespective of gender;
- To take necessary measures for elimination of gender discrimination and sexual harassment.

44. According to Article 8 entitled "Employer's duties in eliminating gender discrimination" of the mentioned Law, in case an employer differently treats men and women employees in promotion, professional retraining, mastering another specialty, further training, assessment of quality of activity and dismissal, the employer must substantiate by demand of the employee that the different approach is not related to gender of the employees. A person, whose job application was rejected, has the right to demand written explanation from the employer about education, professional training, practice, professional skills and other advantages of a member of the opposite gender who was recruited, in comparison with her.

45. According to Article 9 titled "Equality in payment for work" of the mentioned Law, employees worked for the same company, having the same professional skills, employed in the same working conditions and carried out the work of the same value must be paid equal salary as well as equal awards and other payments made for motivation of employees, irrespective of their gender. In case salary, awards or other payments made for motivation of employees are different, the employer must substantiate by demand of the employee that the different salaries are not related to gender of the employees.

46. According to Article 15 titled "Guarantees of Gender Equality in Economic and Social Relations", the state guarantees ensuring equal opportunities for men and women for implementing the right of property and engagement in entrepreneurship activity. The state guarantees ensuring equal opportunities for men and women for implementation of the right for social security and in granting targeted social assistance and other social privileges, as well.

47. The Republic of Azerbaijan acceded to ILO's Convention No. 156 on "Equal Opportunities and Equal Treatment for Men and Women Workers — Workers with Family Responsibilities" in 2010. The Convention is about men and women workers having children and other close relatives under their patronage and implementing family responsibilities.

48. Thus for the implementation of the Convention provisions relevant measures are taken for ensuring the right of free choice of labour as well as the rights in employment and social security for the workers having family responsibilities by taking into consideration their needs.

49. Furthermore, the Republic of Azerbaijan acceded to the No. 183 Convention concerning the revision of the Maternity Protection Convention (Revised), 1952, of ILO in 2010. Several amendments made to the Labour Code after the accession and improvement of national legislation in this end continues.

50. In the framework of "State Program for Implementation of the Employment Strategy of the Republic of Azerbaijan (2011-2015)", measures on strengthening control on employment of citizens being in need of special social protection, in companies, offices and organizations regarding which a quota was established for ensuring gender equality in employment as well as on increasing women's competitiveness in the labour market, supporting women's entrepreneurship activity, ensuring increase of professional skills and further training of women seeking job and other measures are taken regarding the ways for solution of problems in the field of women employment.

51. In response to the recommendation stated under paragraph 5 of the concluding observation on implementation of the action plan on family and women's issues 2009-2012, it must be stressed that the action plan is implemented as being integral part of the National Action Programme approved by the Presidential Decree on 27 December 2011.

52. In accordance with the 2.13 paragraph of the Programme improvement of the competitiveness of women in labour market, organization of the trainings aimed at mastering women for new jobs, and also in accordance with the 2.15 paragraph of the Programme intensifying the fight against violence against women, including domestic violence, ensuring legal remedies, compensations, rehabilitation, medical and physiological supports to those victims were delegated to the The State Committee for Family, Women and Children Affairs.

53. Moreover, orders were given for the preparation of the Development Conception "Azerbaijan 2020: Look into the future". The need for such conception is derived from the country's entrance into new level of development. The main objective of the conception is considering the existing resources and capabilities to achieve permanent economical growth and high social welfare, effective state administration and rule of law, ensuring the protection of people's rights and freedoms and civil society's active participation in public life. Paragraph 7.4 of the conception stated: Ensuring gender equality and family development will be prioritized and relevant measures will be taken in this regard. The main prerogatives of state policy to this end will comprise preventing gender related violence cases, ensuring equal opportunities for women and men in labour market, improving potential for women on promotion at work. Strengthening social protection of mothers and children, in accordance with the ILO Workers with Family Responsibilities Convention, facilitating child care for women, increasing the number of kindergartens, and also family planning centers will be supported. For realization of undertaken objectives several legal documents will be adopted. In this regard, "Azerbaijan Family Strategy", National Actions Plan on gender equality, Child Code and National Child Strategy will be prepared. At the same time institution of "Family Psychologist", rehabilitation center for victims of domestic violence and also monitoring system for violence, evasion from education and early marriages will be set up.

54. In response to the recommendation stated under paragraph 5 of the concluding observation on elimination of violence against women, it must be stressed that taking into account the best practice of foreign countries, the special law was adopted on Combating Domestic Violence in 2010. The definition of domestic violence which had not been previously identified in the legislation, measures for its prevention and other issues thus have been regulated at the statute level. In accordance with the law, institutions such as security warrant and a shelter were established. Security warrant of short-term (30 days) and long term (30 to 180 days) is a prohibition act which is applicable to actions committed against the victim. The law stipulates that one of the measures related to the prevention of domestic violence is to provide a shelter to a victim in an assistance center.

55. According to the law, activities aimed at preventing domestic violence comprise legal, social and precautionary measures. Legal measures include investigation of cases of domestic violence, a decision-making process and the implementation, criminal

proceedings against persons who have committed these acts and a legal protection of victims etc. Social measures cover victims' social protection, education, medical assistance, employment, psychological rehabilitation and other issues. Preventive measures include educational activities.

56. Moreover, by the respective decisions of the Cabinet of Ministers in 2011-2012 the Regulation on Prophylactic Registration of Persons who Committed Domestic Violence and Educational Remedial Activities with such Persons, Regulation on Organizing and Operation of the Data Bank related to Domestic Violence, Regulation on the Grievance Procedure in Case of Non-existence of the Criminal Elements in a Complaint, Regulation on Activity of Centers of Assistance to Victims of Domestic Violence, and Regulation on Accreditation Rules of Non-state Centers of Assistance to Victims of Domestic Violence have been approved.

57. Complex measures on improvement of social services to the persons (families) living in hard conditions, including persons subjected to domestic violence were reflected in the Law of the Republic of Azerbaijan on Social Service". The competition was launched in the form of social order by the Ministry of Labour and Social Protection of Population for implementation of pilot project for social rehabilitation of children subjected to domestic violence in Sumgayit city and surrounding settlements and specialized non-governmental organizations were involved in the project. Rendering social-psychological services to children and women subjected to domestic violence, legal assistance, informing families and other measures are planned to be taken within the framework of the project.

58. Since the submission of the previous report the Government of the Republic of Azerbaijan implemented targeted awareness rising campaigns on women rights. For instance, the State Committee for Family, Women and Children Affairs conducted lectures on domestic violence and its reasons in the several regions (Neftchala, Lankaran, Kurdamir) jointly with Gender Equality and Women Initiatives Public Union in 2009. In order to improve coordination among state organs dealing with daily life violence, and to enhance cooperation with respective international bodies, the State Committee for Family, Women and Children Affairs jointly with the Office of OSCE in Baku organized conference titled "Prevention of Domestic Violence: informing public and supporting legislative initiatives" on 25 November, 2009. Members of parliament, state officials, and representatives of international and non-governmental organizations participated in the conference.

59. By selecting Absheron, Qusar, Jalilabad, Zaqatala, Tovuz, Samux, Barda, Ismayilli, Imishli, Shirvan, Goychay regions as centers, regional meetings on subject of "Strengthening Domestic Culture as a Major Factor for Elimination of Violence in XXI century" were organized in 2010. Responsibilities of local self-governing organs (municipalities), existing problems in this field and ways of their elimination were discussed in order to help women, especially those who don't know their rights, to prevent domestic violence that women face in daily life, early marriage, deviation from education, and other similar problems.

60. Round table titled "Implementation of the Law on Domestic Violence, exchanging experience" and dedicated to International Day for the Elimination of Violence against Women was organized in 25 November, 2010. The main purposes of the event were to increase public awareness about the Law on Domestic Violence, discussion of the application of the law to the real situations and exchange of experience.

61. Moreover, in order to discuss implementation mechanisms of the Law on Domestic Violence, and elimination of gender stereotypes in education the State Committee for Family, Women and Children Affairs jointly with Third Sector Public Union conducted

seminars in Goranboy, Naftalan and Ganca for deputy women working in the NGOs, education sector and in local self-governing organs.

62. The round table on "The Role of Mass Media on Elimination of Domestic Violence" was organized by the State Committee for Family, Women and Children Affairs and United Nations Population Fund on 25 May, 2011. Members of parliament, representatives of state organs, NGOs and mass media participated in the event. The officials of the State Committee for Family, Women and Children Affairs participated in the project named "Police Supported by Society" organized jointly by Office of OSCE in Baku and Ministry of Internal Affairs in the framework of Police Support Program of the OSCE in 9-10 June, 2011. The major objectives of the project were to increase the number of women working in police, and also to achieve more effective prevention of domestic violence and human trafficking. Furthermore, during 2011 the State Committee for Family, Women and Children Affairs organized series of round tables in the regions on "The Role of Community in Prevention of Domestic Violence and in its Prophylaxis" jointly with the Office of OSCE in Baku.

63. The other program which needs to be mentioned is 2 year program titled "Informative Campaign on Domestic Violence" started at the end of the 2011 and conducted by the State Committee for Family, Women and Children Affairs, Gender Equality and Women Initiatives Public Union and ACI-YF Human Rights and Administration Program (Hungary). In the framework of the project Gender and Development Centers were established in the regions. Moreover, "hot line" was put into effect and trainings for women and legal-psychological consultations for the whole population were carried out.

64. On 15 March, 2012 the round table on "Women Rights and Gender Stereotypes in Azerbaijan" were organized by the State Committee for Family, Women and Children Affairs and ABA-CELLI Azerbaijan. Representatives of state organs and community, experts were participated in the event where present situation regarding women rights within the country was discussed and recommendations were given.

65. Starting from May, 2012 the State Committee for Family, Women and Children Affairs jointly with UNFPA and UNHCR conducted awareness campaign titled "Say No to Violence against Women" in the framework of project named "Elimination of Gender related Violence among IDPs and Asylum Seekers/Refugees". In the framework of the campaign brochures — Domestic Violence: 50 answers to 50 questions — were published and distributed among population. Furthermore, in the framework of Women Participation Program social advertisements regarding to domestic violence, early marriage and gender equality were prepared since 2012 which was funded by USAID and implemented by Counterpart International.

66. Besides abovementioned events, it should be noted that the study of the conventional norms related to women rights is included to the program of training courses organized at the Academy of Justice for judges, candidates for judges, judicial officers, lawyers and other legal professionals. Moreover, the Law against Domestic Violence as well as "Application of new institutional mechanisms in daily activity", "Police activity on domestic violence", "Application of the Law on domestic violence in practical activity" established by the mentioned Law and other subjects were taught in the trainings held with participation of about 3500 employees of junior, medium and senior chief staff in the educational establishments and base authorities during 2010-2012 and the activities are continued.

67. Regarding the protection mechanisms for the prevention of the domestic violence it should be noted that official investigation is carried out regarding each fact of crime on domestic violence and the measures taken by district police staff for prevention of such

kinds of crimes are legally assessed. According to the United Nations report "World's Women 2010: Trends and Statistics" only 13% of the women faced with physical violence (at least once in her lifetime) in the Republic of Azerbaijan[1]. This statistics is more satisfactory comparing with many developed countries.

68. "102" service call center, involving the capital city and surrounding cities and regions, "Information Portal", "Hot line", "Safe city" observation and control service system were put into operation (2008) for timely prevention of family and domestic violence and taking operational measures and electronic mail and hot line services of the Ministry of the Internal Affairs is currently functioning.

69. Additionally, according to the recommendations of the United Nations and Council of Europe human rights institutes, establishment and systematization of relevant database have been ensured since 2006 for generalization and analysis of crimes committed against women and children, including cases of violation of legal norms accompanied by violence, assessment and keeping under control of state especially by taking into consideration current demographic and crime rates in the regions. Meanwhile, indicators on classification of crimes, persons committed crimes and victims of crimes were added to the various periodical report forms.

70. Crimes committed against women in the republic decreased 15% (in 2012: 5478; in 2013: 4654), including crimes related to violence 44% (in 2012: 3218; in 2013: 1803), domestic crimes 53.3% (in 2012: 1476; in 2013: 1803) in 2013 in comparison with the previous year.

71. Detection rate of crimes committed against women were higher as 82% during the mentioned period and 3067 person were defined for those crimes, 2475 of them were brought to responsibility.

72. It must be stated that Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo paid visit to the Republic of Azerbaijan during 25 November–5 December, 2013.

73. In response to the recommendation stated under paragraph 6 of the concluding observation on ensuring, in practice, that women and men are offered equal opportunities in all areas of public life and promotion of the access of women to high-level and managerial positions in the public sector, it must be stressed that in recent years participation of women in public and private sector were significantly increased. Three deputy ministers out of twenty ministries are women (Economics and Industry, Culture and Tourism, Health), one head out of ten State Committees (Family, Women and Children Affairs), and its three deputies, head of one State Commission (State Students' Admission Commission), three university rectors (University of Construction and Architecture, Baku branch of the Moscow State University named after M.V.Lomonosov, Azerbaijan Teachers Institute), Deputy Prime Minister of Nakhchivan Autonomus Republic, Human Rights Commissioners of the Republic of Azerbaijan and Nakhchivan Autonomous Republic, as well as the Head of the State Committee of the Nakhchivan Autonomous Republic on Family, Women and Child Problems, Vice Presidents of State Oil Company and National Sciences Academy are women.

74. Regarding to participation of the women in the Parliament, it should be stated that if in 2005 women members of the Parliament constituted 11% of the total members, after the

[1] "The World's Women 2010: Trends and Statistics", Department of Economic and Social Affairs of the United Nations, New York 2010, http://unstats.un.org/unsd/demographic/products/Worldswomen/WW2010pub.htm.

recent elections (2010) now they constitute 16%. Currently, 19 out of 125 members are women.

75. Dozens of women generals serve in the respective government organs. Women also represent the country in the diplomatic missions abroad. Generally, 152 women diplomat (42 of the serve in abroad) serve in the Ministry of Foreign Affairs.

76. The person responsible for implementing gender policy was appointed in the Ministry of Internal Affairs and relevant post was established in the structure of the Work Office with Personal Staff in 2001 for this purpose. Currently 1955 women (242 persons — medium and senior chief staff, 521 persons — ordinary and junior chief staff and 1192 persons — civil staff) is employed by the internal affairs authorities of the republic.

77. Women are mainly employed in the Secretariat, Main Human Resources, Medical, Financial and Planning, International Cooperation, Main Investigation and Inquest and Main Criminal Intelligence Departments of the internal affairs authorities.

78. Meanwhile, for increasing representation of women in post patrol and road safeguarding services a norm on employment on the basis of term agreement was established under the Regulations on "Servicing in the internal affairs authorities of the Republic of Azerbaijan" in 2013 and activities are continued in this direction.

79. Furthermore, any sexual discrimination among candidates during employment to the internal affairs authorities is excluded and special attention is paid to their knowledge and skills.

80. Women are represented in the various regions of the country as deputy heads of regional executive bodies, heads of medical, educational, cultural departments, directors of schools, representatives of executive bodies etc. In general, in recent years improvements were observed in the participation of women in managerial positions.

81. Equal opportunities in terms of legislation were created both for men and women. Admission to the judicial system and for civil service is conducted via competitive examinations. However, majority of women abstain from representation to the political positions and to the positions as "judge" which entails high responsibility and skills. For this end, in order to educate women many NGOs and state bodies conduct different projects.

82. The State Program on Reducing Poverty and Sustainable Development in the Republic of Azerbaijan for 2008-2015 years was approved by Presidential Decree No. 3043, dated to 15 September, 2008. Under the 3.3rd part titled "Review of objectives, targets and indications" ensuring the enhancement of the women's level of participation in the process of decision making until the end of the 2015 was stipulated. Target was set to increase the women participation among the heads of central executive organs, members of parliament, members of municipalities, and judges. Concerning this issue the State Committee for Family, Women and Children Affairs submitted its recommendations to the President of the Republic of Azerbaijan. The concern for the low level of participation of women in Parliament, government, diplomatic services, municipalities, and judicial system was expressed.

83. Meanwhile, the informative campaign conducted in the regions during the elections for municipalities in 2009 can be considered as positive example. Thus, at the consequence of the campaign the percentage of the women members of municipalities was increased from 4% (2004) to 26.5%. Currently 302 out of 4137 heads of municipal organs are women.

84. Although the representation of the women in the judicial system is not too high, the raise in the recent years can be observed. According to the last reports of the Ministry of

Justice female judges constitute 14% of the total number. Deputy Chairman of Constitution Court is women. Moreover, in the Supreme Court the Chairman of the board on civil issues is women.

85. Women's role in the development of science is exceptional. Currently 46% of the persons who hold doctor's degree, 51% of the scientific workers are women. In the past five years number of women holding doctor's degree increased by 22%. There are 12 women Associate Members, 3 women academics in the Academy of Science.

86. There were 8115 women civil servants in 2010. According to the statistics of January 2012 there were 7976 (26%) women and 20565 male civil servants. Number of NGOs working on women issues was 186 in 2010. According to the 2009 census there were 4315 women businessmen.

87. At the result of works done during the reporting period the indicator of Azerbaijan of 0.389 in 2007 under the Gender Empowerment Measure established by the United Nations Development Program has been raised to 0.576 in 2012.

88. According to 2012 human development report developed by the United Nations Development Program, the Republic of Azerbaijan was placed on 54th position among 186 countries in the rating table for gender equality and gender inequality index in the country was 0.323. As the report says, gender equality in the education has been ensured and correlation of educated women with the age of 15-24 to the educated men with the same age was 100%.[2]

89. Being one of the measures taken on ensuring gender equality, the draft Law on amendments to the Labour Code in order to bring into compliance the Article 241 titled "Jobs and work places where working of women is prohibited" of the Code with the requirements of Articles 8 and 20 of the Revised European Social Charter is in the process of preparation.

90. One of the reasons for the low participation of women in the social, political and public life of the country is the traditional stereotypes relating women's role in society mainly with family. The condition entails new approach to the national gender strategy. Being aware of the problem the Government uses all possible tools in order to provide equal opportunities to man and women and to create condition where woman can exercise their full potential. Therefore, the Government primarily pays attention to the qualities education which abolishes gender stereotypes for the purpose of elimination of segregation in the workplace and differences of specialization and also ensuring full exercise of skills.

91. Implementation of Women Participation Program (WPP) — funded by USAID and implemented by Counterpart International — has been started since 2012. The objectives of the program are the following:

- To increase public awareness on the issues important to women;
- To increase women's impact on political issues;
- To improve the effectiveness of the government organs and civil society organization which work on women issues.

92. During the first stage of the program (WPP) 26 training were carried out for 750 participants, 6 round tables organized for 300 participants and via national and regional television channels, via radio and online media these were broadcasted to over a million

[2] UNDP – Human Development Report 2013, p. 156, http://www.undp.org/content/dam/undp/library/corporate/HDR/2013GlobalHDR/English/HDR2013%20Report%20English.pdf.

people. All activities are conducted in cooperation with the State Committee for Family, Women and Children Affairs.

93. Numerous events were organized for the purpose of reducing early marriage cases. Via financial support of UNICEF, the International Center for Social Research conducted a research on "Analysis of early marriage situation in Azerbaijan". The research covers four regions of Azerbaijan — Baku-Absheron, Lankaran, Guba, Aghstafa. The objective of the research was to analyze the very reasons and consequences of the early marriages in Azerbaijan. Deepening interviews with the participants of early marriages and their family was conducted during the research study. The interviews were conducted for 40 focus groups being ten in each region. Representatives of executive bodies, NGO activists, social researchers, psychologists, sociologists, experts on gender issues, school instructors, doctors, lawyers were participated in the research study.

94. In the framework of abovementioned project social communication project on changing early marriage behavior has been carried out since 2010. Within the framework of campaign, discussions were conducted on the causes and consequences of early marriage among representatives of executive and municipal organs, chaplains, heads of public unions, representatives of mass media, and among the groups including parents and teenagers in Lerik, Khachmaz, Goygol, Mardakan town of Khazar district and Mashtagha town of Sabunchu district. Conducted discussions provided opportunity for understanding the approach of public towards early marriage and defining future directions of actions for elimination of problem locally.

95. To this end, meetings were organized in the villages of Lankara, Masalli and Lerik in the first half of 2011. In 2011 with the participation of WHO's expert discussion of early marriages was organized and plan-strategy was prepared for the elimination of this problem. Plan-strategy covers organization and communication actions in four villages in each of Lankaran, Masalli, Lerik and Astara.

96. The State Committee for Family, Women and Children Affairs jointly with UNICEF paid official visits to Lankaran, Masalli, Lerik and Astara for implementation of actions envisaged under the Action Plan for Preventing Early Marriages in Southern Part of the Country (Lankaran, Masalli, Lerik and Astara). Awareness raising meetings are organized in the public places of villages by elders and chaplains, programs are prepared by local mass media in this regard, and monitoring groups comprising police, chaplains, and village executive representatives for elimination of abstinence girls from eructation.

97. In the framework of Elimination of Gender related Violence among Refugees project which is jointly organized by the State Committee on Family, Women and Children Affairs, United Nations High Commissioner for Refugees and Women Society for Rational Development, "No to Early Marriages" titled seminars were conducted in the several regions of the country during 2013.

98. In response to the recommendation stated under paragraph 7 of the concluding observation on equalization of legal age for both men and women, it must be stressed that in accordance with the Law dated to 15 November 2011 on "Amendments to Family Code" legal age for women defined 18 as for men.

99. Moreover, new provision, 176-1, was inserted into Criminal Code by Law dated to 15 November 2011 on "Amendments to the Criminal Code of the Republic of Azerbaijan" which prohibits and sanctions forcing women for marriage. According to the new amendment forcing women for marriage is punishable by penalty from 2000 manat up to 3000 manat or by imprisonment up to two years. In case of the offense committed towards underage then it is punishable by penalty from 3000 to 4000 manat or up to four years imprisonment.

100. Social Communication and Changing Behavior Programme has been conducted jointly by the State Committee of Family, Women, and Children Affairs and UNICEF in southern regions of the country where early marriages and abstinence from education are widely spread since 2011. The participants of the programme are representatives of regional executive bodies, chaplains, mass media and NGO representatives and also parents and teenagers. In 2012 the project was implemented in the 9 villages of southern regions where early marriages most frequently observed and during this year early marriage case was not recorded.

101. The Council of State Support to the Non-Governmental Organizations under the Auspices of the President of the Republic of Azerbaijan supported dozens of projects between 2008-2013 years for the promotion of men and women equality. During these years for the promotion of gender equality more than two thousand hundred manat were granted.

Article 4

102. Since the submission of the third periodic report of the Republic of Azerbaijan public emergency situation stated under the Article 4 of the Covenant were not declared in the Republic of Azerbaijan. The legislation was not amended in this sphere.

Article 5

103. The information regarding this Article was reflected in the initial report of the Republic of Azerbaijan.

Article 6

104. After the ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms on 15 April 2002, death penalty never imposed in the Republic of Azerbaijan. The relevant information was stated under the paragraphs 108-113 of the third periodic report.

105. Regarding the reflection of Article 6 of the Covenant within the domestic legislation, it must stated that criminal liability is stipulated in the Article 135 of the Criminal Code for euthanasia, that is a satisfaction of patient request about acceleration of his death by any means or actions, or stop of artificial measures on maintenance of life and in the Article 141 for abortion by the doctor who is out of medical institutions.

106. The amnesty act (Article 81 of the Criminal Code) shall be adopted by the Parliament (Milli Majlis) of the Republic of Azerbaijan in attitude individually and not certain circle of persons. By amnesty act persons who have committed crimes, can be released from a criminal liability. The persons, condemned for commitment of crimes can be released from punishment, or term of the punishment appointed on them can be reduced or deserved part of punishment can be replaced with mitigate kind of punishment, or such persons can be released from additional punishment.

107. The pardon (Article 82 of the Criminal Code) shall be carried out by the President of the Republic of Azerbaijan in the attitude of individually certain person. By pardon act, a person condemned for a crime, can be released from serving a rest of punishment, or term of the punishment appointed to him can be reduced or deserved part of punishment can be replaced with mitigate kind of punishment.

108. Life imprisonment in order of the pardon can be replaced with imprisonment for the term of not over twenty-five years.

109. Conviction can be removed from the person who has been released from punishment, by amnesty and pardon acts.

110. It should be noted that after 2007 head of the state pardoned 816 prisoners, and two Amnesty Acts were applied to more than 19000 persons (in 2009 and 2013).

111. In general during 2008-2012 under the Article 120 of the Criminal Code (deliberate murder) 1463 people, under the Article 137 (Sale — purchase and compulsion to withdrawal for transplantation of body organs or tissues of a person) 4 people, under the Article 138 (illegal implementation of biomedical researches or application of the forbidden ways of diagnostics and treatment, and also medical products) 2 people were convicted. No one was convicted under articles 135 (euthanasia) and 136 (illegal artificial fertilization and implantation of embroils, medical sterilization) at this period.

Article 7

112. Issue related to prohibition of torture is defined under the Constitution, as well as in the other legislative acts.

113. By the law dated to 2 December 2008 our country acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. According to the Order of the Head of the State dated to 13 January 2009, Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan has been appointed as the institution in charge of the national preventive mechanism envisaged under the same Protocol. According to the Constitutional Law of the Republic of Azerbaijan dated to 24 June 2011 "On amendments to the Constitutional Law of the Republic of Azerbaijan on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan", relevant authority and privileges of the institute of Ombudsman of the Republic of Azerbaijan have been established.

114. Moreover, the national preventive group has been established under the Ombudsman Office for implementation of functions of national preventive mechanism. Besides Ombudsman the group's right to enter at any time, without obstacles and prior notice, the places which the detainees may not leave willingly, and other rights stipulated by law.

115. At the same time several important amendments have been made to the Criminal Code on 29 June 2012. Article 9.2 of the Code that includes humanism principle has been amended to reflect that, punishment and other criminal law measures imposed to the person who committed a criminal offence, may not be cruel, inhuman or degrading.

116. Furthermore, the words "torture" has been replaced with "torment" in the title of the Article 133 of the Code and limited definition of torture that considered regularly beating or other violent committed acts has been removed.

117. The Article 293 of the Criminal Code that determines criminal responsibility for the offense of coercion to testify has been given under of the new edition. The title of the Article "Compulsion to evidence" was modified to "Torture, and other cruel, inhuman or degrading treatment or punishment", and under the "note" of the same crime "compulsion to evidence" was defined as "torture". In accordance with the Article criminal responsibility was determined for torturing by official of the public authority in order to perform official duties or another person who performs these duties, or with his incitement or consent or by other persons in case of his awareness. Forging crime has been decriminalized.

118. Additional information on the right to be free of torture or cruel, inhuman or degrading treatment or punishment is provided under 147-177 paragraphs of the present report.

Article 8

119. The criminal liability is stipulated for slavery under the Article 106 of the Criminal Code. At the same time by the Law dated to 11 May 2010, our country has acceded to the Council of Europe Convention on Action against Trafficking in Human Beings.

120. "National Action Plan against Human Trafficking (for the 2009-2013 periods) of Azerbaijan Republic" was approved by the Presidential order, dated to 6 February 2009. For the purpose of implementation of the Action Plan, in 2009 the Cabinet of Ministers of the Republic of Azerbaijan adopted "National Regulation of Direction Mechanisms related to Human Trafficking Victims", "The Rules (indicators) for identifying Human Trafficking Victims", "Rules for placing and keeping underage victims of Human Trafficking in shelters".

121. By the decision of the Cabinet of Ministers dated to 20 May 2011, "The Program for eliminating social problems that cause Human Trafficking" was adopted. By the decision dated 3 August 2012, the pension granted to victims of human trafficking during the reintegration period increased up to 400 manats.

122. According to the amendments made to the Criminal Code by the Law dated to 7 March 2012, it was determined to take legal criminal measures against legal entities for breaching Article 144-1 (Human Trafficking), Article 144-2 (Forced labor) and Article 316-1 (Dissemination of Confidential Information about Human Trafficking Victims).

123. Article 144-3 named "Illegal documentation for the purpose of human trafficking" was added to the Criminal Code on 19 April 2013, also legal persons were assigned liability for such actions. Besides, modifications were made to the human trafficking disposition in Article 144-1.1 of the Code, in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings.

124. Also, on the same date Article 14-1 named "The Restoration and Consideration Period" was added to the Law on Fight against Human Trafficking. According to that Article, 30 days is provided to the victims of human trafficking in order to restore their condition, escape the influence of criminals, and make an elaborate decision on cooperation with criminal prosecution authorities. Victims of human trafficking may use services of special institutions in order to provide security and protection needs, also restore their physical, psychological, and social condition. Administrative removal from territory of the Republic of Azerbaijan is not applied to victims during the restoration and consideration period.

125. At the same time, Article 20.6 which prohibited foreign victims or victims without citizenship to be issued the right of residence in the Republic of Azerbaijan was removed from the Law.

126. Non-allowance of compulsory labour in the country was established by the Constitution adopted on November 12, 1995. According to the Article 35 of the Constitution, "No one may be employed by applying force" as well as "Labour contracts are concluded freely. No one may be forced to conclude labour contract".

127. Azerbaijan ratified ILO Conventions No. 29 on "Compulsory Labour" and No. 105 on "Elimination of compulsory labour" and the principles arising from those Conventions were reflected in the national labour legislation.

128. "Prohibition of compulsory labour" was established under the Article 17 of the Labour Code in the following form:

- Making an employee execute duties not included in his/her functions by applying force by any methods as well as threatening the employee with termination of labour contract is prohibited. Persons involving employees in compulsory labour are made responsible in the way established by the legislation.
- Compulsory labour is allowed on the basis of relevant legislation related to military or extraordinary state and regarding works carried out under control of relevant governmental bodies during implementation of court decisions entered into force as well.

129. According to the Law on Employment citizens have right to freely choose types of activity, profession, employment and workplace. With exception to special cases (court decision entered into force, military and extraordinary state) compulsory labour is prohibited. Citizens' unemployment may not be base for making them administratively, criminally responsible.

130. Fines were established for involvement of individuals in labour activity by employers without concluding labour agreement (contract) in written form, involvement in compulsory labour, violation of labour protection rules, not ensuring healthy and safe working conditions, involvement of employees of labour protection in implementation of other functions by employers, refusal of concluding collective agreement (contract) without valid reason, non-implementation or violation of terms of the collective agreements (contracts), non-submittal of information for control of implementation of the collective agreements (contracts), non-implementation of instructions given by the bodies (State Labour Inspection Service) ensuring state control on following labour legislation, non-recording of casualties at work and other cases regarding violation of the labour legislation in articles 53-59, 318 and 321-322 of the Code of Administrative Offences of the Republic of Azerbaijan.

131. Relevant provisions of the legislation on prohibition of compulsory labour are regularly propagated in the profession-oriented trainings organized at the Scientific-Research and Study Center on Labour and Social Problems of the Ministry of Labour and Social Protection of Population. Trainings were organized for officials of the State Labour Inspection Service and enlightening activities were regularly carried out among the population in the field of preventing compulsory labour by the Twinning project of the ILO and European Union.

132. Collection of instructions titled "Compulsory labour and human trafficking" were developed for labour inspectors within the framework of the project for "Strengthening response mechanisms on combating trafficking in human beings" held by the International Labour Organization, OSCE and International Centre for Migration Policy Development and the above-stated document was presented in Baku on 16.02.2011in cooperation with the Ministry of Labour and Social Protection of Population of Azerbaijan. Representatives of the related governmental bodies, international organizations, embassies of foreign countries operating in Baku as well as social partners participated in the event.

133. Labour inspectors get the opportunity to obtain information about various types of compulsory labour and occurrence of these cases in different countries through the teaching aid titled "Compulsory labour and human trafficking" and the document may play a significant role in instructing labour inspection services for more efficiently organizing of struggle against compulsory labour and human trafficking.

134. The International Labour Organization issued the challenge of global elimination of compulsory labour and human trafficking till 2015. With this respect models that are

possible to be applied in practice by being brought in line with national conditions of the countries are suggested in the mentioned collection of instructions as a method of eliminating compulsory labour and human trafficking.

135. "Human Trafficking Victim Assistance Center" was established under the Ministry of Labour and Social Protection of Population in relation to implementation of the Law of the Republic of Azerbaijan on "Human Trafficking Victim Assistance Center". Totally 279 people — victims of trafficking in human beings (166 people) and potential victims of trafficking in human beings (113 people) were rendered medical, psychological, legal and other assistance from 2009 (date of opening) till August, 2013.

136. "Rules for Social Rehabilitation of Victims of Human Trafficking" drafted by the above-mentioned Center (in accordance with paragraph 7 of the Plan of Measures on Combating Trafficking in Human Beings) within the framework of the activity carried out for improvement of the legislation was approved by Decision № 42 of the Cabinet of Ministers of the Republic of Azerbaijan dated to 24 February 2010.

137. The Program drafted in relation to implementation of subparagraph "ə" (development and implementation of programs oriented to elimination of social problems creating opportunity for trafficking in human beings) of paragraph 3 of the Plan of Measures on carrying out National Action Plan on combating trafficking in human beings, was approved by the decision of the Cabinet of Ministers dated to 26 May 2011.

Article 9

138. Detailed information regarding the right to liberty and security of person was provided in the third periodic report of the Republic of Azerbaijan.

139. In response to the paragraph 8 of the concluding observation, it must be noted that the right of suspected person to receive legal aid from the outset of detention is stipulated under the Article 90.7.2 of the Code of Criminal Procedure, the right of accused person to have defense counsel from the time of the arrest or the announcement of the charge is stipulated under the Article 91.5.4 of the Code.

140. In accordance with the Law on Provision of Rights and Freedoms of Detained Persons, from the date of being detained or from the date the decision is announced the detained person has the right to meet and have confidential conversations with his or her lawyer or representative without limits on the number and duration of visits. Unless the services of a lawyer were refused, statements made by the detained person without the presence of his or her lawyer cannot be referred as proof in court proceeding.

141. According to articles 148.4 and 150.3 of the Criminal-Procedural Code of the Republic of Azerbaijan, persons considered suspicious in committing a crime is brought to a temporary detention center for 48 hour period based on detention protocol drawn up by the body carried out the process. He/she is transferred to pre-trial prison of the Ministry of Justice during 24 hours after deciding detention on remand on the person in question by court. According to Article 8.1 of the Law on the "Rights and freedoms of individuals kept in the detention facilities", arrested person may be transferred from pre-trial prison to temporary detention center for the period not exceeding 10 days a month by substantiated court decision, in case investigation is impossible to be carried out in the place where the pre-trial prison is situated or the arrested person is required to participate in court proceedings and he/she is impossible to be brought and returned every day. The above-stated period may be extended till the end of the court proceedings by substantiated decision of the court based on the arrested person's application.

142. Information is provided about a reason and basis of detention and other duties arising from detention to a person brought to temporary detention center of police station and other duties arising from detention as well as information on his/her detention is ensured to be delivered to his/her family, relatives or the third persons. Detained persons are given the rights of purchasing writing materials and foodstuffs from a trade center and being examined by specialists of any medical establishment chosen by him/her at his/her own expenses, getting parcels and packages, participating in civil right relations, use of services of notary public, being taken to a walk not less than two hours in a day, going in for sports, getting psychological assistance and other rights.

143. Detained foreigners are explained the right of establishing relations with the diplomatic representation and relevant conditions are ensured for realization of this right and translator's services are provided, if required.

144. "Food and living conditions of detained or arrested persons" were confirmed by decision No. 22 of the Cabinet of Ministers dated to 18 February2013 as well as "Rules for rendering medical and psychological assistance to detained or arrested persons as well as keeping them in medical establishments" were confirmed by decision No. 67 of the above-mentioned body dated to 18 April 2013. The decisions were announced to the internal affairs authorities by relevant orders and used currently as guidance during the activity of the Ministry of Internal Affairs.

145. Boards reflecting information on detained and arrested persons' rights and duties in Azerbaijani, Russian and English languages were hanged in temporary detention centers of police stations of the republic.

146. Special rooms were allocated in the temporary detention centers of police stations for meeting of detained persons with their advocates and such meetings are ensured confidentially from the date of detention without imposing restrictions to number and time of meetings. There are boards reflecting list and phone numbers of advocates in visible places of administrative buildings of all city and regional police authorities of the republic.

147. In response to the concern stated under paragraph 8 of the concluding observations on shortage of lawyers, especially outside the capital, it must be noted that paragraph 3.9 of the National Action Programme approved on 27 December 2011, envisages the strengthening the lawyer institute, improving its efficiency and independency and also increasing the number of professional lawyers outside of the capital. The issue derived from this objective was delegated to the Cabinet of Ministers and Azerbaijan Bar Association. There are 805 lawyer members of Azerbaijan Bar Association (it was 581 in 2006). 566 out of them work in the capital, 239 work in the regions.

148. At the same time, the Public Committee under the Minister of Justice provides legal assistance in various areas to sentenced persons in penitentiary facilities, with the involvement of professional lawyers.

149. With the view of raising awareness of the low-income people about their civil rights and enhancing their access to free legal assistance services, centers for legal advice services were established. These centers were staffed with lawyers who possess necessary knowledge, they were seated at the relevant administrative justice and court buildings, and the experts were provided with the necessary legal literature and technical means.

150. Also, for the purpose of provision of free service to the low-income groups, in the frame of the Support to Reforms in the field of Justice Program, the legal clinic was established at the Justice Academy.

151. In order to help increase the legal knowledge of the population and get directly and freely acquainted with the texts of laws, with the cooperation of international organizations,

in 2006 the digital database of the national legislation was input at www.e-qanun.az, given to open use, and is being regularly updated.

152. In response to the recommendation stated under the paragraph 9 of the concluding observation on closing down the pretrial detention centre of the Ministry of National Security or placing it under the jurisdiction of the Ministry of Justice, it must be noted that in accordance with the relevant provisions of the Law on Ensuring Rights and Freedoms of Detained Persons dated to 22 May 2012, and also 1.3 paragraph of Presidential Order No. 667, dated to 6 July 2012 on implementation of the mentioned law, the process for drafting normative act on establishment, reformation or closing detention centers to be adopted by the President of the Republic of Azerbaijan, is still ongoing. Therefore, the recommendation cannot be performed in accordance with legislative process.

Article 10

153. One of the main rights of prisoners is to be treated with dignity to the human person.

154. Article 10.2.7-1 of the Code on execution of punishments (Rights of prisoners) provides that prisoners have the right to state its opinion on the decisions related to the execution and serving of punishment, as well as appeal by them to the Ministry of Justice, and courts.

155. At the same time in the Article 10.3 of the Code it is reflected that staff of the penitentiary establishments are obliged to treat prisoners politely, prisoners should not be subjected to cruel or degrading treatment, coercive measures can be applied to them only on the basis of the law. According to the Article 10.4 of the Code prisoners should not be subjected to medical or other experiments that endanger their lives and health.

156. Taking into account the best practices, the Law on Ensuring Rights and Freedoms of Detained Persons, which was adopted in 2012, stipulates mechanism for ensuring rights of arrested persons, which was adopted in 2012. Such provisions as detained persons and arrested persons are not to be subjected to ill-treatment, insulting treatment or punishment, to be treated with in line with ethical treatment, to complain on the decision made by the management of the detention facility, were included to the Article 15 of this Law.

157. According to the Article 18 of the Law, applications and complaints of the persons addressed to the investigator, prosecutor in charge of procedural aspects of the preliminary investigation, the court, bodies that control functioning of the detention facilities, the Ombudsperson of the Republic of Azerbaijan, United Nations bodies working on the protection of human rights and freedoms, the European Court of Human Rights and the European Committee for the Prevention Torture shall be sent out to the addressee immediately without censorship.

158. According to the Article 27 of the Law the detained or arrested individuals cannot be subject to torture and other form of inhuman or degrading treatment or punishment. They cannot be kept in detention facilities in degrading conditions. According to the Article 28 of the Law, the detention personnel have to be kind to the detained or arrested individuals kept in detention. Any actions that insult the detained or arrested individuals kept in detention are prohibited. Article 43 of the Law defines conditions and limits in the use of physical force, special tools or firearms in detention facilities.

159. According to the Law on the rights and freedoms of individuals kept in detention facilities improved material and life conditions shall be created for pregnant or women keeping with them children aged up to 3 years, as well as for minors and they shall be provided with special medical aid and special food norms. Time allocated for daily walking cannot be less than 4 hours for pregnant women and women keeping with them a child aged

up to 3 years, cannot be less than 3 hours for minor. In case of disciplinary punishment, they cannot be placed in the punishment cell. Conditions are created for the juveniles to continue secondary education.

160. As stated above, with respect to the right in question, Laws of the Republic of Azerbaijan were adopted on accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 31 May 1996 and ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 2 December 2008. Additionally, Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan was established as an institution implementing the functions of the national preventive mechanism in the Optional Protocol by Decree No. 112 of the President of Azerbaijan Republic on ensuring implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment dated on 13 January 2009.

161. In response to the recommendation stated under paragraph 11, it must be noted that the Article 49.2 of the Law on Ensuring Rights and Freedoms of Detained Persons adopted on May, 2012 establishes the rights of the Commissioner for Human Rights (Ombudsman) and members of the National preventive group to enter temporary detention centers at any time, without any obstacles and prior notification, to meet with individuals kept there or any person who is able to provide information, in private or in presence of an specialist, translator, to talk to them, to get acquainted with all documents relating to the legality of detention of the persons as well as documents related to behavior with and living conditions of detained persons, to get copies of the documents, to draw up reports, to record the process and results of the measures taken, being immediately received by the head of the detention facility as well as rights of the Commissioner for Human Rights (Ombudsman) of Azerbaijan Republic, to give recommendations in detention facilities and to get responses to the recommendations within the established period.

162. In order to provide correct application in the activity of prosecutor's office of the provisions of the necessary international documents on human rights and freedoms that our country is a party, the order No. 10/102, dated 12 November 2010 "on measures providing the efficient implementation of objectives undertaken on prosecutor's bodies in the field of execution of commitments arising from international agreements which the Republic of Azerbaijan is a party" was issued by General Prosecutor of Azerbaijan. "Expert group on international agreements adopted in the field of struggle against torture and other cruel and inhuman treatment" consisting of representatives of various structure bodies of General Prosecutor's Office was established under Decree No. 10/104, dated 18 November 2011 on General Prosecutor's Office for execution of the stated order. Regularly operating, the group investigates keeping the state of monitoring under control conducted in the territorial offices of prosecutor on applications and data included about torture or to inhuman or degrading treatment or punishment and assisted duly for these works.

163. Complete and comprehensive investigations were conducted by the Group of Experts on the application and information to the local prosecutors related to torture, other cruel, inhuman or degrading treatment or punishment on 20 December 2012 in accordance with the opinions and recommendations made by the delegation of the Committee against Torture during their official visit to the Republic of Azerbaijan. Detailed guidelines were submitted to the local prosecutors in order to make impartial decisions. The fulfillment of respective guidelines is supervised as well.

164. Prosecution bodies carried out comprehensive investigation regarding to applications on torture, other cruel, inhuman or degrading treatment or punishment submitted during 2010-2013. In this regard, information was taken from the applicants, witnesses and persons who have any information about the committed crime in question, these people were examined by court-ordered medical examination, the video records in

prison or temporary storage facilities were reviewed, and impartial decision were taken based on evidences.

165. It should be noted on independent and regular supervision in the temporary storage facilities that as it was mentioned in the previous report, effective supervision system of penitentiary facilities was established. Thus Public Committee under minister of justice, which consists of members of NGOs has been functioning since 2006. During the mentioned period of time, the members of the Committee visited more than 300 detention places and got acquainted with circumstances in the detention places. As a mutual dialog and cooperation model between civil society and law enforcement bodies Public Committee has been proven.

166. Independent monitoring of the circumstances to ensure rights of sentenced persons is carried out by the Commissioner for Human Rights of the Republic of Azerbaijan as well as International Committee of the Red Cross and European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

167. In order to adjust living conditions of detained persons for international norms and standards 16 new temporary detention centers of police were constructed, more than 50 detention centers were completely repaired within last three years. Currently, new temporary detention centers for police are constructing in Surakhani, Garadagh and Binagadi districts of Baku, and Ismayilli, Yardimli, Beylagan, Masalli and Gadabay districts of the Republic. 65 temporary detention centers out of 68 have been equipped with signalization system, 63 temporary detention centers of those have been equipped with surveillance cameras in order to strengthen monitoring to provide service and behaviors of detained persons.

168. In order to modernize the penitentiary infrastructure in line with international standards, ensure to serve in places that are near to prisoners' settlement new penitentiary institutions are being established in capital Baku and districts. In this regard, new combined regime penitentiary complex was built in Nakhchivan Autonomous Republic in 2008, new prison fully in line with international standards was established and commissioned in Baku in 2009.

169. In order to ensure the rights of convicted persons and prisoners with reliance, now modern penitentiary institutions are being established for female inmates in Zabrat settlement of Baku as well as in Umbakı settlement, in Gandja, in Kurdamir, in Lankaran. In July 2013 newly established penitentiary complex was commissioned in Shaki.

170. As a result of effective cooperation with International Committee of the Red Cross (ICRC) since 1995, positive experience has been gained in the field of fighting with tuberculosis, the deaths for that disease decreased nearly 36 times. The new express-test that allows defining the accurate diagnosis of tuberculosis not after 3 months but 1000 times quickly–in an hour and 40 minutes was tested in Azerbaijan and started application in penitentiary institutions for the first time in the world. By declaring that Azerbaijan does not need its help ICRC decided to give the work of control over tuberculosis completely to Ministry of Justice and emphasized the Azerbaijani Republic's potential of sharing its positive experience with other countries. Many states benefited from that experience.

171. With regard to the efficient application of the current Article of the Covenant, it should be noted that as an awareness raising measure, within the programme entitled "Assistance to reforms in the field of Justice", jointly implemented with European Commission, the United Nations and Council of Europe conventions related to behavior with prisoners, the prevention of tortures as well as the legislation of Criminal Procedure — "The main normative and international bills for employees of Penitentiary services" (5000 copies) and theoretical-practical commentary of the Code of Criminal Procedure (3000 copies) were published and disseminated among the employees of Penitentiary institutions.

172. In the Academy of Justice lectures are held in training courses for judges, candidate judges, employees of Ministry of Justice, advocates and other lawyers with the topic of the implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe to Azerbaijani legislation, other United Nations and Council of Europe conventions against cruel, inhuman or degrading behavior or punishment and their essence as well as the liability of state parties.

173. The topics related to the requirement of international documents, concerning the treatment with the convicted and the accused persons are being taught to employees, in the context of training programme which held in Training Center of Penitentiary Service.

174. At the same time, 33 seminars and conferences have been organized, concerning the issues of torture and inhuman behavior, moreover, managing of different category of prisoners with Council of Europe, European Union, and Penal Reform International (PRI) and with German Foundation for International Legal Cooperation (IRZ) in recent years. Seminar-Trainings were held for heads of prison administrations and officers of different service sectors with the topics of "The behavior with the people who sentenced to life imprisonment", "The behavior with suspected and accused persons", "Establishing communication and preventing the use of physical force", "Determining the main methods of signs of physical and mental pressure against prisoners" and "Strengthening the fight against bad behavior and impunity".

175. When it comes to holding trainings for officials of law enforcement agencies and prisons it is noted that with the initiative of OSCE office in Baku, specialized seminars were held on 10-11 July in Lankaran and on 18-19 October in Shaki with the topic of "The behavior with accused and suspected persons in prisons". These training courses were held two days for heads of places of temporary detentions and one officers of public safety section of police agency from the cities and regions of Salyan, Neftchala, Bilasuvar, Calilabad, Calilabad, Masalli, Lankaran, Yardimli, Lerik, Astara, Mingachevir, Shaki, Agdash, Balakan, Goychay, İsmayilli, Qakh, Qabala, Oghuz, and Yevlakh.

176. Meanwhile, in order to enlighten the employees of places of temporary detention in the field of ensuring the rights of detained persons, virtual trainings are held with the topics of the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" and "Azerbaijani legislation about ensuring the rights of seized and arrested persons".

177. In order to improve the social service for handicapped children and children with disabilities, training courses were organized for employees of social services by the Ministry of Labor and Social Protection of Citizens together with the representation of United Nations Children's Fund (UNICEF) in Azerbaijan. In the frame of courses, trainings were held for employees of structural divisions of the Ministry and employees of social service enterprises in order to efficiently fulfilling the national preventive mechanism functions of the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" and the Optional Protocol thereto.

178. Regarding Article 11 of the Concluding Observations related with deaths in detention centers it is noted that between the years of 2009-2013 the number of suicides in police detention centers were 4. As a result of investigations 25 employees were punished and 7 employees expelled from work.

179. Meanwhile, between the years of 2010-2013, the facts regarding suicide and an attempt to suicide were investigated. For doing this site of occurrence and corpses were examined by criminal methods joint with forensic experts for the persons that are in places of detention and police detention centers of regions (cities) under the command of Penitentiary Service of Ministry of Justice of Azerbaijan. In addition, the examination of the persons that attempted to suicide provided by forensic experts, detailed testimonial and

explanation of the persons that attempted to suicide, witnesses of the cases and the persons that have information about the cases were obtained. Forensic, psychological and other examinations were done and opinions were obtained, as well as other necessary actions were held and based on the evidences for the facts the adoption of objective decisions were maintained.

180. During the investigations, the actions that resulted with suicide or an attempt to suicide done by other persons (by ruthless behavior, regularly humiliating dignity or intimidation) in prisons and places of temporary detention were not found.

181. Between the years of 2010-2013 there were 1602 monitoring done. 35 of by OSCE, 17 of by ICRC, 797 of by NGO, 733 of by Ombudsman, 20 of by other organizations and Office of the Prosecutor).

182. Between the years of 2008-2013, 1424 employees of Ministry of Internal Affairs were punished as a result of violations of human rights such as — rough treatment with citizens, groundless detention and custody, inclusion in liability, illegal searching, and different violations of rights regarding participants of the process. 16 persons among them involved in criminal liability, 105 persons expelled from Bodies of Internal Affairs, 97 persons were dismissed from their positions, 10 person's special rank lowered, and disciplinary measures were taken about 1196 persons.

183. Measures as a procedure of internal control done by Ministry of internal Affairs and human rights violations in the year of 2013 — groundless detention, groundless detention by police, groundless criminal liability, particularly, rough behavior with citizens were increased by 63 facts (33.3%) meaning 252 facts overall compared to those last year. For this reason the number of employees that punished were also increased by 73 facts (27.2%) reaching 268 persons overall.

Article 11

184. About this issue the information is noted in 327-329 paragraphs of third periodic report by Republic of Azerbaijan.

Article 12

185. According to the constitution of Republic of Azerbaijan everybody can act freely, choose habitation, and go outside from the Republic of Azerbaijan as based on law.

186. Regarding "propiska" practice stated in18th paragraph of the Concluding Remarks, it is notified that it was one of the remainders of the Soviet times and was liquidated after the collapse of the Soviet Union. At present the constitution of Republic of Azerbaijan ensures the rights of all citizens as well as internally displaced persons regarding the right as choosing habitation freely and the right to life.

187. There is not any kind of legal instrument or legal provision in the legislation of Republic that requires settling in only permitted places for internally displaced persons.

188. The Article 5 (providing internally displaced people with living areas) of the "Law on social protection regarding internally displaced people and the persons that same with them" of Republic of Azerbaijan states that in order to temporarily settling of internally displaced persons, residential areas that are suitable and the ones that can be made suitable, administrative and auxiliary buildings as well as other buildings are being used. That Article determines the rights of internally displaced persons to settle temporarily without violating the rights and legal interest of other persons.

189. It is noted that internally displaced person's (as a result of aggression by Armenian armed forces) place of registration is that occupied regions. Article 10 of the "Law on status of refugees and internally displaced people" requires that in order to give the status of "internally displaced" the people (internally displaced) must temporarily register in executive power* of the region (city) in the territory of the Republic but it does not restrict migration from one region (city) to another within the country. There are not cases that create artificial problems to migration and temporary registration of internally displaced persons. As the internally displaced people are also citizens of Republic of Azerbaijan they also have rights and duties that stated in national legislation and constitution but bearing in mind their special status and social situation, additional concessions and privileges are considered in legislation. Internally displaced persons make use of the concessions and privileges stated in legislation not only in their temporary registration addresses and also in their factual places of habitation. This excludes not having social rights and securities for them.

190. The temporary registration of internally displaced people in their factual living places does not restrict placing a job for them as required in the existing legislation, as a citizen of Republic of Azerbaijan. Internally displaced people make use of the means in the field of education, healthcare and pension relevant to the legislation. The cash given to internally displaced people from the state for meal expenses is paid according to their permanent registration in occupied territories' regions not for their temporary registration regions. It does not have any relation with internally displaced peoples' temporary registration. Internally displaced people make use of concessions regarding utility services not according to their temporary registration address but in their factual living address.

191. There is not any restrictive Article in the legislation regarding the possibility of buying property (real and movable) for internally displaced people with their own funds so as other citizens of the republic they can also obtain property with their own funds in any area of the country. Even they are free from state fee for the apartment bought and payment of utility services for that apartment. Buying places of residence with their own funds by internally displaced people does not result with losing of their status.

192. The biggest obstacle of application of Article 12 of the Covenant is the occupation of territory of Azerbaijan by Armenia.[3] As a result of occupation, citizens of Republic of Azerbaijan and the people that came and got permission to live in Republic of Azerbaijan in accordance with law cannot make use of their rights such as free motion and freely choosing of habitat fully.

Article 13

193. As a result of successful political and economic reforms ascending of standards of living and fast development that observed in every field stipulated to increase significantly the number of foreigners that come to the country that results the process of migration to intensify. In order to strengthen the control of the state over migration process electron information resources are being formed for coming and going away of foreigners to the country, improving services that deals with their registration over place of habitat.

194. In order to improve the governing administration mechanism, give appropriate permissions to foreigners and people without citizenship for living and engaging in labor activity on legal basis, simplify the procedure of registration about living places and ensuring transparency in this field "one window" principle for governing migration

[3] *The schematic map of occupied territories of Azerbaijan is enclosed.*

processes was applied with ordinance of Republic of Azerbaijan dated 4 March 2009. Enforcing of state body authorities was charged to State Migration Service of Republic of Azerbaijan.

195. From the time after the application of "one window" principle the return and exit visas given to foreigners and people without citizenship were liquidated. Currently, during the validity of permanent residence permit cards, foreigners and people without citizenship can travel any number of countries with a valid passport or documents for border crossing without getting any visa or permission.

196. In addition to application of "one window" principle, opportunities to apply electronically to State Migration Service by foreigners and people without citizenship for extending the time of temporary staying, temporary and permanent living as well as giving permission and extension for engaging in paid labor activity, registration either places of living or places of location has been created.

197. In addition, it is notified that in order to uniformly regulate the relations that prescribe coming in to the country and going away from the country of foreigners and people without citizenship, being in the republic temporarily, giving permissions to them regarding temporary or permanent living, registering them, ensuring the rights and duties of people that are participants of process of migration, regulating labor migration, regulating state control over migration, fighting against illegal migration Code of Migration has been adopted.

198. The rights and fundamental freedoms of foreigners and people without citizenship that live or stay temporarily in the territory of Republic of Azerbaijan can only be restricted with norms based on international law and laws of Republic of Azerbaijan.

199. Foreigners and people without citizenship can come to Republic of Azerbaijan with or without visa in a way that is defined by legislation. Between the years of 2008-2012, the number of appeals from foreigners and people without citizenship were 212.448 regarded extension of time related to temporary staying, temporary and permanent living as well as getting permission for working. Positive responses were given to 84 percent of the appeals as well as of 9662 people's livings were legalized whose documents were not in line with law.

200. Confiscating of documents confirming identity as well as restricting of motion for foreigners and people without citizenship, within the country is not prescribed by national legislation. In addition, picking up and keeping of passports or other documents that confirm identity of foreigners and people without citizenship, by individuals who do entrepreneurial activity not being as a legal entity and branches and representative offices of foreign legal entities is prohibited. There is liability in the Code for persons who pick up, keep or conceal passports or other documents that confirm identity of foreigners and people without citizenship, in the manner prescribed by law. So that based on 332.1 Article of Code of Administrative Offences, picking up of citizen's ID card or passport illegally is resulted with administrative liability that is fined with 85-90 AZN. Citizens of republic of Turkey (6 people) appealed to State Migration Service and International Organization for Migration regarding getting away their passports and not paying their wages fully. State Migration Service intervened and the passports of the injured were given back and the wages paid fully to them. Administrative actions were taken against the chief employees of the company named above.

201. The election rights of foreigners and people without citizenship are reflected in the Election Code of the Republic of Azerbaijan. So that, according to 12th article's 3rd part of the Code the foreigners who lives in the area of the municipality not less than 5 years, they can participate in voting during municipality elections (It is possible when the rights of that people are recognized for municipality elections in their countries that they are her citizen).

202. Migrants' labor relations are regulated in The Labor Code of the Republic of Azerbaijan. According to Article 13, foreigners and people without citizenship make use of the same rights in labor relations with citizens of Republic of Azerbaijan and have corresponding duties when they are in the territory of Republic of Azerbaijan. It is relevant to national legislation that, migrant worker can break the labor contract and live the territory of Republic of Azerbaijan in accordance with legislation, whenever he/she wants. So that, Joan Bangalan Navarro, citizen of Republic of the Philippines, gave a complaint to State Migration Service regarding violation of his labor rights in 2012. After investigations his violated rights (delaying of payment of his wage) restored. International Organization for Migration assisted and he was given a certificate on return, during this period, he was placed voluntarily in the asylum of State Migration Service and then sent to his country at the expense of Republic of Azerbaijan. Apart from this, State Migration Service received complaints regarding delaying of payment of the wage by 3 citizens of Republic of Turkmenistan who employed by the branch of "Nature Building Commitment Construction" company in Republic of Azerbaijan and "Seqatek Construction" company, as well as 6 citizens of Republic of Turkey. As a result of investigations the wages of foreigners have been paid fully and companies are held liable to administrative responsibility.

203. The association in trade unions is not restricted for migrants in the legislation. According to Article 19.1 of the Code of Labor, it is possible to create trade unions without discrimination among employees, without permission from employer beforehand and with the principle of voluntariness.

204. According to Article 3.2 of the "law on pension labors" the foreigners and people without citizenship that live in the territory of Republic of Azerbaijan have the same rights with citizens of Republic of Azerbaijan regarding labor pension guarantees in accordance with legislation. At present foreigners make use of those rights.

205. In accordance with the "law on protecting population's health ", foreigners that live permanently in the territory of Republic of Azerbaijan have the same rights with citizens of Republic of Azerbaijan in the field of protecting health. Foreigners have the right "protecting health" relevant to international treaties that Republic of Azerbaijan is party to them. According to Article 10 of the "law on protecting population's health", medical service is free of charge in state's medical institutions. Migrants benefit from primary medical care and private health care according to legislation of Republic of Azerbaijan without any restriction or discrimination.

206. About the recommendation" stated in 9th paragraph of the Concluding Observations which is related with "not sending the persons to the countries where is the possibility of torture and ill-treatment for them during extradition or deportation, it is notified that, according to the "law on extradition of offenders" dated 15 May 2001, if there is sufficient grounds to assume that facing with torture or cruel, inhuman or other kind of behavior that humiliates dignity and that kind of punishment is possible for offender, extradition of a person to requested state is refused. When inquiry enters to the state, the information is gathered about the state that requested the offender including information about the facts of applying torture or cruel behavior. The opinions and reports of international human rights organizations are also taken into account. In order to ensure the rights of extradited person and conditions of detentions, post-extradition monitoring is applied and such experience of Republic of Azerbaijan is considered as a sample for other countries by United Nations High Commissioner for Refugees.

207. The extradition of a person examined in Court of grave crimes in the form of collegiate and it is possible to protest from the decision of the court in accordance with legislation. During that process ensuring the rights of persons to defend themselves is considered specially.

208. According to Article 78 of the Code of Migration of Republic of Azerbaijan foreigners and people without citizenship can be pulled out of the territory of Republic of Azerbaijan in the following cases:

- When there is a punishment for committing a crime in the form of compulsory pulling out of territory of the country;
- When administrative disciplinary action is applied in the form of administratively pulling out for committing an administrative offense;
- When there is a decision regarding foreigners and people without citizenship, about pulling out of territory of the Republic of Azerbaijan in accordance with 79th Article of the Code of Migration.

209. According to 445.1 Article of the Code of Administrative Offences, when there is a protest or a complaint from the decision on administrative punishment the judge, competent authority (official) suspend the implementation of the decision to the time after the examination of a complaint or a protest. The decision about suspension of the execution is accepted in that case and if necessary the decision is sent to competent authority (official) that directs execution.

210. Pursuant to Article 79 of the Code of Migration of Republic of Azerbaijan, in following cases the State Migration Service of Republic of Azerbaijan makes decisions regarding removal of foreigners and people without citizenship from the territory of the country:

- Liquidation of the decision about visa or extension of temporary staying and liquidation of permission about temporary or permanent living;
- If it is considered that being in the territory of Republic of Azerbaijan is undesirable for that person;
- If there are not grounds defined by State Migration Service regarding living of foreigners and people without citizenship in the territory of Republic of Azerbaijan.

211. The decision about removal of persons that granted refugee status as well as that granted political asylum in the Republic of Azerbaijan is not adopted. A decision on removal is not adopted for a period of 1 year about persons that are considered as the victims of human trafficking and that are without citizenship. Moreover, a decision on removal is not adopted for a period till the end of prosecution about foreigners and people without citizenship that helped prosecuting authority. A decision on removal is not adopted for the children that are victims of human trafficking.

212. Among the people from different countries who applied with petition regarding refugee status, 6 of them (14 people with family members) granted refugee status for the reason of possibility to face with prosecution and torture in country of origin. It is stated in statistic information that there are 50 applicants (68 people with family members) that registered as refugee in the State Migration Service of Republic of Azerbaijan, by the time of 31 December 2013.

213. Foreigners and people without citizenship have liabilities to leave the country in the following time periods pursuant to Code of Migration, after getting the decision about removal from the territory of the country.

214. Republic of Azerbaijan uses all possible international tools in order to control migration process more effectively. Azerbaijan Republic concluded bilateral and multilateral agreements with different states with the aim to ensure protection of the rights of Migrants and their family members. New such agreements are expected to be signed

with some states. Protection of Migrant's rights, their social protection, easing employment procedures are the basis of that agreements.

215. Foreign citizens and stateless persons came to Azerbaijan Republic with the aim of being granted refugee status are registered by State Migration Service in order to consider their applications and each application is investigated and decided according to the procedures defined within the requirements of the "Regulations of application on granting refugee status" approved with the Resolution of the President of Azerbaijan Republic (13 November, 2000), the law of the Republic of Azerbaijan "On status of refugees and internally displaced (persons displaced within the country) persons" (21 May,1999) and the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

216. After submission of the application by the person who applied to be granted "Refugee Status", the interview with that person and appropriate investigations that application is discussed in the "Commission of application on granting refugee status" under State Migration Service. The evidences about granting refugee status provided by the person are assessed within the requirements of national legislation of Azerbaijan Republic. Only after that Commission makes decisions on granting or rejecting an application (Decision on granting the refugee status or to refuse granting the refugee status to that person is made by State Migration Committee within 3 days after submission of application)

217. In case if the decision is made to rejected application and the person is refused to be granted refugee status, the written refusal is given to that person after clarifying the reasons of refusal and telling him his/her rights to take the matter to the court within one month. Information about the decisions made by that Commission is sent to proper governmental organizations and the UNHCR mission in Azerbaijan within 5 days.

218. Legal status of refugees and the persons aimed to be granted refugee status is regulated with the 1999, 21 May law of the Republic of Azerbaijan "On status of refugees and internally displaced (persons displaced within the country) persons".

219. According to the 1st part of 5th paragraph of mentioned law, the person who meets refugee criteria, if illegally came to Azerbaijan Republic from the other state and applied reported to competent organizations (State Migration Service) is disclaimed a responsibility, indicated in national legislation of Azerbaijan Republic, with the substantiated decision of that organization.

220. According to the 2nd part of that paragraph, the person who meets the criteria to be granted refugee status (according to race, nationality, religion, belonging to particular social group and political orientation)in any case is not sent or forcibly returned to the country where that person's life and freedom is in danger.

221. Moreover, it was stated in the 2nd part of 15th paragraph of the law that until the issue of the person who applied for getting refugee status is not settled by relevant executive organization (State Migration Service) that person cannot be returned or sent to another country. According to the 3rd part of that paragraph, the decision to revoke somebody's refugee status, to give or forcibly return, to send the refugee or the person, who aims to be granted a refugee status to another country, is taken by the Court based upon the initiation of relevant execution organization.

222. During the reporting period any information haven't entered to State Migration Service about the forcible departure from Azerbaijan until a decision is not taken about person whose application on granting a refugee status is registered and is under investigation.

223. Over the period of 2009-2013, 6 applicants (with their family members — 14 persons) who applied to be get a refugee status were granted a refugee status due to

possibility of being tortured and chased in the country of origin. Generally, over the period of time mentioned above 6 applicants (with their family members — 14 persons) were granted a refugee status by the State Migration Service of the Republic of Azerbaijan.

224. Recently, 2 persons who were given a refugee status were granted a citizenship of Azerbaijan Republic according to the Azerbaijani Republic Law "on citizenship of the Republic of Azerbaijan".

225. National Legislation of Azerbaijan Republic makes no provisions for alternative guardianship of the persons who are not considered a refugee. But such persons are provided with opportunity to apply for UNHCR mission in Azerbaijan and use their guardianship. Persons under guardianship of UNHCR mission in Azerbaijan are not sent away the territory of this country.

226. According to paragraph 21.6 of the Migration Code of the Republic of Azerbaijan Republic registration of domicile by the time of guardianship of foreigners and stateless persons taken under the guardianship of the *UNHCR Representative* for Azerbaijan is conducted by State Migration Service based upon information by the Representative. A provision on not sending away the persons with "Refugee" status, as well as foreigners who were given political asylum and stateless persons was established in the 79.3rd paragraph of the same Code.

227. Meanwhile, it is not required to get permission for being engaged in paid employment within the territory of Azerbaijan Republic for the persons who applied for getting a refugee status or the persons who get a political asylum.

228. Periodically, educational and informative promotions are being held I local mass media on the rights and liabilities of migrants and international Conventions our country is a party to. State Migration Service and local executive organizations with the support of higher educational institutions arranged events on raising awareness of migration issues in society in 2012 and 2013 in the regions of Azerbaijan Republic. Moreover, demonstration of promotional videos and films about State Migration Service's activities (English version of 38 minutes movie about State Migration Service's activities was sent to more than 60 countries through International Organization for Migration) about was given on local television channels (city and regional televisions are also included), also this promotional materials were uploaded to the web site of the Service.

229. Meantime, all necessary actions were carried out in order the official web site of the Service (www.migration.gov.az) to operate in 3 languages– Azerbaijan, English and Russian, foreigners and stateless persons to ask questions in "Questions" section of the site and write to electron address of the organization in one of the 3 languages and get legal assistance on the issues they are interested in.

Article 14

230. According to amendments to the Constitution through referendum in May 18, 2009 legal proceedings should reveal the truth. As it was stated in previous report, Azerbaijan has arranged consistent events in order to provide independence of judicial system, legislation regulating judicial system was fundamentally renewed and evolved.

231. Judicial-Legal Council whose one of the main targets is to prevent external interference in courts' independence and its work has been working since 2005. Assesment of judges, their rotation and promotion, prosecution for disciplinary responsibility and other issues are within the competence of this organization. Judicial-Legal Council is permanent and independent organization and neither administratively nor financially depends on

executive, legislative and judicial brunches of power, municipality, as well as legal and physical persons.

232. 9 persons out of 15 members of Council are judges. Meanwhile, representatives from other brunches of power and sides of judicial process — prosecutors and defenders are also represents in the Council. But only judges take part in settling some issues (for instance, investigation of issues on disciplinary responsibility, taking part in voting and etc.)

233. Recent amendments to the legislation on judicial regulations delegated more authority to Judicial-Legal Council. Judicial-Legal Council was empowered to define the number of judges according to the courts within the overall number of judges, approve the samples of Judges Certification of employment, discharge judges from office with their own application, as well as to provide independence for them.

234. First time ever in the history of our country secondment institution was estaolished to send the judges to the office of Judicial-Legal Council and to work in the Ministry of Justice in order to be involved in education and assessment of judicial process. The assessment of Judges' work (now it was extended till 5 years) and accomplishment of disciplinary proceedings and mechanisms of complaints were improved.

235. Meanwhile, since 2005 was defined a rule of transparent and progressive selection of judges. This selection procedure which consists of various exams, interviews, long-term judge preparation courses and internships for candidates are arranged by independent organization which board members are composed of mainly judges— Judges Selection Committee. Recently 235 lawyers were selected through these procedures and appointed to a judge position. At present 50 percent of all judges corpus and 80 percent for district of Baku city are composed of that judges.

236. 72 candidates for judge after successfully passing all exams and accomplishing one year educational period and internship were appointed to a judge position. In order to prepare those judges they were taught in half-month courses in Turkey on defense of human rights, precedents of European court, anticorruption-drive, judicial ethics, and other actual topics.

237. The appointment of that judges has recruited almost all vacancies in judge corpus and it will cause the remission of judge's work and increase its quality.

238. Accomplishments on strengthening the independence of judges have done and number of judges in the corpus has been doubled. Number of stuff in the Court offices have been increased by 75%, each judge have had supportive stuff, judges' financial assurance was taken into account and their wages have been increased by 30 times since 2000. Judicial system has been improved in order to better peoples' access to courts has and 20 new regional, as well as appeal, serious crime and administrative-economical courts have been established.

239. New complexes and buildings for 33 courts and 18 executive organizations were designed, new administrative buildings for Courts of Oghuz province in 2011, Yasamal district in Baku in 2012, Nizami district in Ganja and Gadabay province were constructed within the "modernization of Judicial system" project which was elaborated together with World Bank to renew judicial infrastructure. Complexes for Shaki and Sabunchu district, as well as new administrative buildings for Courts in Guba, Imishli, Gabala provinces are under construction.

240. New buildings for Courts have been provided with modern information-communication technologies in order to increase the quality of investigation of citizens' applications, to provide transparency, raise awareness; appropriate environment was established for vulnerable part of the population, people with physical disabilities.

"Femida" system was installed for audio-video recordings and to fixed proceedings faster, all necessary infrastructure was created to arrange presentations and video conferences, organize electron document system and control of judicial proceedings. Accused stay not in an iron cage but in special glass room according to international standards. Another advantage of new buildings is that they are divided into administrative and public zones and each has its own entrance. Administrative zone is for judges and judicial employees, public zone is for citizens.

241. In 2011 internet portal which simplified application procedures was created within the project. Portal gives an opportunity to apply online and get relevant response, as well as to get information about courts, judges, judicial proceedings, decision. Cases which are under proceeding and electron database of judicial acts will also be uploaded to the portal. Application of modern technologies is simplifying the application of people to the courts and will serve to reliable provision of fair judicial right which was mentioned in the European Convention on Human Rights.

242. Positive results of progressive judicial reforms in Azerbaijan have attracted international organization. European Commission for the Efficiency of Justice highly appreciated reforms held in our republic and judge candidate election process has attracted their interest. In this regard, a group of experts visited Azerbaijan and monitored judge candidate selection process, meetings were arranged with the representatives of international organizations, the process was discussed and our legislation was analyzed.

243. Report on results prepared by the experts indicated works of institutional organizations and especially was mentioned that election of judges meets European standards and the transparency and objectivity of the process is specially distinguishing. That report was discussed in the meeting of the Commission with the attendance of representatives from all Council of Europe members and positive experience of Azerbaijan was indicated as a good precedent.

244. The report on the project about enhancing judicial reform in the Eastern Partnership countries implemented by EU and Council of Europe highly appreciated as the judge candidate election process and other states are encouraged to acquire this experience.

245. Recommendation about anticorruption drive in judicial system in paragraph 12 of final commentary stated that in order to provide transparency all decisions of high instance courts, as well as annulled and changed decisions of local courts are published.

246. Number of subjects possessing right to launch a disciplinary proceedings was increased and this authority was delegated to the judge of Supreme Court, Minster of Justice, judges of appeal court and physical and judicial persons who has information about corruption get right to apply for Council.

247. Elimination of errors and violations committed by judges, including the corruption-related offenses are constantly treated principally. Since establishment of the Judicial Council, in 2005, 165 disciplinary proceedings against judges, including disciplinary proceedings about 18 people for offenses related to corruption has been initiated, early termination of the powers of a judge of 11 people, decisions on dismissing of 17 people in power have been made, 68 persons were reprimanded, as well as other disciplinary sanctions have been applied.

248. The dismissal of disciplinary action against corruption 5 of 18 judges were put and end their authority, 3 people were put in the lower position, the 3 people in the workplace of 3 person was changed, 5 persons were reprimanded, 2 people are in the remarks. In general, performance assessment, and for violations that occurred more than 60 removed from the judicial system.

249. In order Anti-Corruption Sector was created within the Council in order to investigate fully, professionally and without delay the information relating to corruption. At the expense of skilled workers with moral qualities the Sector ensured the receiving of the citizens, the investigation of complains and monitoring in the courts.

250. International experience was acquired taking in to account the importance of judge's education on their enhancement and rectifying the judicial errors and works on this field were elaborated based upon the recommendations of Consultative Council of European Judges.

251. Various educational programs on actual issues were launched by educational sector of Judicial-Legal Council, and almost all judges in the courts of first instance were involved in trainings under prestigious foreign experts' and experienced judges' in court of highest instances supervision according to this program. Up to 20 annual trainings are held by the Council, taking into consideration the high importance of joint trainings of judges and prosecutors on anti-corruption drive, separate skills upgrading courses were held with the participation of foreign experts in this field.

252. Actions are underway on a series of anti-corrupiion in the judicial system are going on, which covers a wide range of activities carried out in the press, also it is necessary to take preventive measures in the area being analyzed.

Article 15

253. This information was provided in the third periodic report of the Republic of Azerbaijan in paragraphs 413, 417.

Article 16

254. This information was provided in the third periodic report of the Republic of Azerbaijan in paragraphs 418 to 420.

Article 17

255. It should be noted that the amendments to the Constitution made in 2009, relate to the defense of unlawful interference in private and family life, and the denial of the right to information published in the media, as well as issues related to the use of personal data.

256. "Freedom of Information", "Operative-search activity", "On Mass Media", "intelligence and counter-intelligence activity", "access to information" law was amended on February 12, 2010, transaction-investigation, unless the person without his knowledge or despite his protests to be followed by the media and other individuals, video, photo, voice recording, and other such actions have been identified to be caused by exposure to liability established by the legislation.

Article 18

257. Like all modern democratic states Azerbaijan Republic tries to protect freedom of thought, speech and religion in daily life. All efforts in this area as the essential element of the life are the center point of the Azerbaijan Republic Government's attention. Our state supports all the efforts on protecting freedom of religion in the state and the world.

258. The policy of Government Azerbaijan Republic applied in the religion sphere, the decisions and the measures taken in the area of providing the freedom of belief of citizens give the results. At the moment religious life in Azerbaijan is constant, the standards of the religious tolerance is high, international conferences and meetings on religion are held and there is no room for religious discrimination among citizens. State agencies protect all the citizen rights, including the rights of the religious communities. Friendly environment is established among the members of different religions in the society.

259. As the result of the referendum of 18 March, 2009 the amendments have been made to the Article 48 of Constitution which stipulates that nobody can be forced to demonstrate his or her religion, to carry out a religious ceremony and to attend a religious ceremony.

260. By the amendments to "Law on the Freedom of Belief" on the 8 May, 2009, the right to believe in any religion individually and with others, to express one's opinion about any religion and to share them have been established for everybody. The freedom of belief can be restricted for the public security, to provide public stability, health, morality and the rights and freedoms of others only needed and only with the conditions considered in law.

261. The policy of Government of Azerbaijan Republic applied in the religion sphere has been founded upon the freedom of thought, speech and belief considering the presence of the different forms of religion in the society. Meantime, the state's policy on religious area is based on the principles and norms of international law, the international agreements that Azerbaijan is a party, the Constitution of Azerbaijan Republic and other regulatory and legal acts.

262. The state registration of the religious committees is implemented under the requirements of "Law on the Freedom of Belief" of Azerbaijan Republic and the procedure is simple enough. According to Article 12 of the law, all religious organizations can operate after being registered and included into the state registry.

263. At least 50 adults and their authorized representatives have to apply for registering a religious community to an appropriate religious center or institution by introducing application including protocol about establishment and a charter. List of founders, their citizenship, habitation, date of birth and copies of their identity cards, principles of the given religious community, date of establishment, traditions, forms and methods of this community, attitudes to a family, marriage and education, information about restrictions to rights and duties of community members, as well as other documents from "State Registration and State Register of Legal Entities" Law of the Azerbaijan Republic should be added to the application.

264. Religious community can get the status of a legal entity by passing the state registration and this can prevent with the help of government misunderstandings and problems which can occur by the future activity of the respective community.

265. As it is noted in item 13 of a final review regarding the necessity for religious communities to get approval from Caucasian Muslim Board (CMB) and concrete criteria of this process, it should be noted that CMB regulates the appointment process of clergies. The main criteria for CMB are the attitude to rules and relation to Islam of the religious community and this define the presentation of this community by CMB. If CMB doesn't give a submission for the establishment of a religious community, that religious community has the right to appeal to the court.

266. Legal status of CMB is determined by Articles 7 and 9 of "Freedom of religion" Law of the Azerbaijan Republic. According to the requirements of the law Islamic religious communities in the Azerbaijan Republic can connect at the Historic Islamic Centers–CMB. They are subordinate to the CMB on organizational issues and submit reports on their activities. It is a tradition and history has been proved over the past years.

267. In response to observation regarding the right to teach religion by a person if he or she has graduated in abroad contained in paragraph 13 of the Committee's concluding observations, we note that according to the surveys, there is clear indication that several in compliances are existed with respect to citizens who have studied religion abroad. Thus, education provided by several religious educational institutions abroad is contrary to tolerance and traditional religious views in Azerbaijan. In some cases, education period of the students have been extended for a few years. A citizen who filled with principles of certain religious is sent to Azerbaijan after 10-12 years. Considering such existing realities, a provision on rites and rituals pertaining to Islam should be carried out by citizens of the Republic of Azerbaijan who have studied in Azerbaijan as stipulated in Article 21 of the State Law on Right to Freedom of Thought.

268. The Committee recommended in paragraph 14 of its concluding Observations that legal provision regulates the status of conscientious objectors to military service did not existed. With regard to this point, we note that according to Article 76, paragraph 2 of the Constitution of the Republic of Azerbaijan if it is contrary to the beliefs of citizens for them to perform active military service, in cases prescribed by law they shall be permitted to perform alternative civilian service. However, respective legislative act on alternative civilian service has not been adopted so far, citizens of the Republic of Azerbaijan who want to choose alternative civilian service are evolved into military service.

269. In general, the number of citizens who refuse to join to army based on their religion is quite less (there are 4 cases so far). In this respect, in accordance with established practice in Armed Forces, any member of Military Personnel who refuses to take the enlistment oath or bear in arm based on his beliefs appoints to a position not related to arms or military equipment within the Military Unit.

Article 19

270. Media workers on the basis of their activity in the Republic of Azerbaijan do not undergo prosecution as well as physical and legal violence. Therefore, in accordance with national legislation, mass media as well as Internet is free. Misconduct of these freedoms, in particular using mass media to print false and malicious publications for the purpose of defaming a person, made statements deliberately humiliate honour and dignity of a person, libel and slander, or any acts against legal order are prohibited.

271. It should be noted that no media worker was convicted under Article 147 (Libel and slander) and Article 148 (Defamation) of Criminal Code in 2011. In 2012, the Court convicted only one person under Article 147 to pay pecuniary sum. Nevertheless, it should be emphasized that the Criminal legislations of most of European countries contain provisions on criminal liability for defamation.

272. Azerbaijan requested Venice Commission to assist in drafting law on defamation and together with the experts of the Venice Commission drafting process was launched in 2012. The Venice Commission delegation visited Azerbaijan and attended meetings in order to draft law in April 2013. It is considered in the draft to implement principles determined European Court of Human Rights practice in trials related to defamation.

273. Meanwhile it should be considered that the Commissioner for Human Rights (Ombudsperson) supervises state authorities, local self-government bodies and officials possess information to fulfill obligations arise from Law on access to information.

274. It is notified that in accordance with legislation any permission to establish publications is not required for State authorities. Ministry of Justice makes simplified registration of publications and the number of publications registered in Ministry of Justice

is more than 4,800. Application form and admission for registration of publications have been included in the list of electronic services by Ministry of Justice.

275. In accordance with Presidential Decree on providing Freedom of Speech dated 31 July 2008 confirmed Conception on State Support to Mass Media. The State Fund for the Support of Mass Media Development under the President of the Republic of Azerbaijan was created according to Presidential Order dated 3 April 2009. Financial support was provided to mass media in conformity with Presidential Decree dated 21 July 2010. Presidential Decrees on strengthening social welfare of media workers respectively dated 22 July 2010 and 22 July 2013 were signed. Pursuant to amendments made to Law on Television and Radio Broadcasting in 2009, broadcasting of foreign television and radio channels via satellite in Azerbaijan is permitted if it is necessary.

276. With regard to criminal suits against journalists it is noted that media workers are not subjected to prosecution in respect to their activities. Individuals, which considered being suspicious to commit certain type of crime, are liable for committing a crime on grounds prescribed by law. It this case the principle of equality before law is taken into consideration without distinction of their position and other status.

277. The Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan funded dozens of projects towards to promotion of freedom of expression from 2008 to 2013. More than 150,000 AZN was spent in order to promote freedom of expression during these years.

278. The Plenum of the Supreme Court of the Republic of Azerbaijan adopted the decision on the court practice of the consideration of the cases with special persecutions on February 21, 2014.

279. According to the very decision, the analysis of the cases on defamation and slander with special persecution, considered in the courts of the Republic of Azerbaijan during 2012–2013, indicates that 249 complaint communications against 401 persons have been lodged during the mentioned period. 44 of the complaint communications (10.9 percent) were against journalists though no journalist has been convicted during the very period. Thus, one journalist was justified, the execution of 10 cases with special persecution was dropped, the execution and court consideration was rejected in relation to 33 out of these cases.

280. The Plenum has emphasized that the precedent law places utmost importance to the freedom of speech for the maintenance of the democratic system.

281. Nevertheless, according to Article 10.2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, freedom of expression may be subject to restrictions for the protection of the reputation or rights of others.

282. The decisions of the European Court of Human Rights have affirmed that the "necessity" for any restriction on freedom of expression must be convincingly established. In the first place the courts must assess whether there is a "pressing social need" for the restriction and, in making their assessment, they enjoy a certain margin of appreciation. In consideration of cases on the freedom of press, the national margin of appreciation is circumscribed by the interest of democratic society in ensuring and maintaining a free press. Similarly, that interest will weigh heavily in the balance in determining, as must be done under paragraph 2 of Article 10, whether the restriction was proportionate to the legitimate aim pursued (see, para. 45 of case of *Fressoz and Roire v. France*).

283. The European Court has also mentioned that public-watchdog role of the press is a vital element in the democratic society (see para. 39, case of *Goodwin v. The United Kingdom*, 27 March 1996). Its duty is to impart — in a manner consistent with its obligations and responsibilities — information and ideas on all matters of public interest

(see para. 37, case of *de Haas and Gijsels v. Belgium* and para. 55, case of *Colombani and others v. France*). But the press must not overstep the bounds set, *inter alia*, for "the protection of the reputation of others".

284. The Plenum has further explained that in accordance with the precedent law of the European Court a careful distinction needs to be made between facts and value judgments expressed in the information disseminated by the person charged with special persecution. The existence of facts can be demonstrated, whereas the truth of value judgments is not susceptible of proof. As regards value-judgments this requirement is impossible of fulfillment and it infringes freedom of opinion itself, which is a fundamental part of the right secured by Article 10 (art. 10) of the Convention (see para. 42, case of *de Haas and Gijsels v. Belgium* and para. 46 of case of *Lingens v. Austria*). Meanwhile, it is difficult to define the difference between the facts and the judgments, when the pretensions are about the behavior of the third party. Since even a value judgment without any factual basis to support it may be excessive (see para. 43, case of *Jerusalem v. Austria*).

285. The Plenum of the Supreme Court has recommended to the courts to give a careful consideration to the cases with special persecution to differentiate between whether the information is a slander or defamation or whether it is an intervention to the private or public life or political activity of the special persecutor. It should be taken into consideration that according to the precedent law of the European Court, the "duties and responsibilities" inherent in the exercise of the freedom of expression, the safeguard afforded by Article 10 to journalists in relation to reporting on issues of general interest is subject to the proviso that they are acting in good faith in order to provide accurate and reliable information in accordance with the ethics of journalism (see along with other sources para. 37 of case *Radio France and Others v. France*, para. 65 of the above mentioned Colombani case).

286. While it is the duty of the press to warn the public about the crimes allegedly committed by elected representatives or officials, the direct accusation of certain people by mentioning their names and positions, obliges journalists to present sufficient factual basis of the accusations (see, case of *Lesnik v. Slovakia*).

287. Also the court have been recommended to take into consideration the specificity and public dangerousness of the crime, the conditions specifying the personality of the accused person, mitigating or aggravating conditions of the crime, the importance of freedom of expression for the democratic society as well as the relevant precedent law of the European Court while deciding on punishments about the convicted on slander and defamation.

288. The European Court has emphasized that while deciding on the appropriateness of the intervention to the freedom of expression protected by Article 10 of the Convention, the character and seriousness of the punishments are "must" elements to be taken into consideration (see along with other sources para. 37, case of *Ceylan v. Turkey* and paras. 41–42, case *Skalka v. Poland*).

289. Although State parties to the European Convention allow restrictions on the exercise of freedom of expression for the provision of relevant legal protection of reputation of a person and even in accordance with Article 8 of the Convention they are obliged to the realization of such measures in line with positive obligation in the very sphere (see para. 35 case of *Pfeifer v. Austria* and para. 57 case of *Von Hannover v. Germany*), this should not be done in a manner leading to the restrain the mass media to promptly inform the public on evident or alleged law breaches.

290. The European Court has mentioned that although sentencing is in principle a matter for the national courts, the imposition of a prison sentence for a press offence in exceptional circumstances may be compatible with journalists' freedom of expression as guaranteed by Article 10 of the Convention (see para. 115, case *Cumpana and Mazare v. Romania*).

291. The recommendations to national courts on the guarantee of the freedom of expression reflected in the decision of the Plenum of the Supreme Court are in line with the precedent law of the European Court.

292. Besides, the Plenum of the Supreme Court of the Republic of Azerbaijan adopted a decision on "Proposals on amendments to the Criminal Code to be submitted to Milli Mejlis of the Republic of Azerbaijan in line with the right of legislative initiative" on February 21, 2014.

293. The Plenum has mentioned that according to the precedent law of the European Court although sentencing is in principle a matter for the national courts, the imposition of a prison sentence for a press offence will be compatible with journalists' freedom of expression as guaranteed by Article 10 of the Convention only in exceptional circumstances, notably where other fundamental rights have been seriously impaired, as, for example, in the case of hate speech or incitement to violence (see para. 115, case *Cumpana and Mazare v. Romania*).

294. The sanctions parts of Articles 147.1 and 148 of the Criminal Code of the Republic of Azerbaijan stipulate along with other punishments the deprivation of liberty for the offences of slander and defamation.

295. The Plenum, guided by the position of the European Court on preference to punishments not related to deprivation of liberty for offences of slander and defamation and considering the punishment of fine to be most expedient for the crimes of slander and defamation, found important to submit proposals to Milli Mejlis on relevant amendments to the very Article of the Criminal Code in line with the right of legislative initiative.

296. Besides, according to the Plenum, norms on responsibility for slander and defamation propagating hostility or violence on racial, national, religious or any public affiliation grounds, must be added to the criminal legislation and the draft law reflecting the above mentioned must be submitted to Milli Mejlis in line with the right of legislative initiative.

297. Hence, the Plenum of the Supreme Court decided on submission of proposals to Milli Mejlis on amendments to the Criminal Code of the Republic of Azerbaijan in line with the right of legislative initiative.

298. Meanwhile, during 2009–2013, 15 million manats was allotted to the provision of freedom of expression and 30 million manats to the strengthening of social protection of journalists from the state budget through the State Support Fund for Mass Media under the auspices of the President of the Republic of Azerbaijan.

Article 20

299. Information to this effect was noted in paragraphs 481-492 of the Third Periodic Review of the Republic of Azerbaijan.

Article 21

300. The Constitution of the Republic of Azerbaijan and the international treaties to which the Republic of Azerbaijan is a party ensure that everyone has the right to freedom of peaceful assembly with others.

301. Right to freedom of peaceful assembly may only be subject to restrictions as are prescribed by law or are necessary in a democratic society, in the interests of national security or public safety, for the prevention of disorder and crime, for the protection of

health or morals, for the protection of rights and freedoms of others, in accordance with Law of Peaceful Assembly. Respective executive body is only notified of holding assembly. Justified decision about holding assembly should be submitted to the organizers within three working days.[4]

302. The rate of penalties applied to prevention of conducting social gatherings, meetings, demonstrations, and street procession and pickets legally organized, have been increased, liability of legal persons for abovementioned has been determined, in accordance with the amendments made by Law dated 2 November 2012 to Article 49 of the Code of Administrative Offences.

303. We note that respective amendments were made to Law on Freedom to Peaceful Assembly adopted in 13 November 1998, in line with Venice Commission's opinions. In its final opinion, Venice Commission noted that considering amendments and additions, Law on Freedom to Peaceful Assembly met European standards.

304. Main principles and rules on implementation of freedom to peaceful assembly are determined in Law on Freedom to Peaceful Assembly. Therefore, respective provisions of the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms and the principles set out in case law of the European Court of Human Rights.

305. Any facts related to State Authorities' intervention to peaceful assembly organized and held only peacefully have not been discovered.

306. A written notification shall include name, general purpose, venue, date, approximate number of participants of assembly, if it is a street procession, a proposed route (a place of beginning, distance and place of ending the procession), name, surname, patronymic name and address of organizers of an assembly, date of submission of a written notification, contact phone numbers. Organizers of an assembly have to sign a written notification.

307. Administrative reproach and other disciplinary measures implemented towards to individuals who take part in illegally organized protests were enforced in line with requirements and recommendations of the legislation of the Republic of Azerbaijan and international treaties. Ministry of Internal Affairs accesses whether police use of force was proportional in response to protester violence in accordance with internal rules. If excessive use of force appears, administrative measures were taken against such police officers. Office of Public Prosecutor held analogical investigations on the basis of procession legislation.

308. During past years organizers of assembly have tried to notify government authorities of incorrect information about place of assembly. In such cases, government authorities interfered the assembly with legal grounds according to reasonability and proportionality. Certain individuals who failed to comply with police officers order rendered administratively liable. The Republic of Azerbaijan considers that such justified interference is applied in all countries as well.

[4] Information in paragraph 483 of Third Periodic Review has changed over the past period. Thus, in accordance with Article 300.0.4 of the Code of Administrative Offences the citizens are fined from two thousand up to two thousand and five hundred manats and officials are fined from eight thousand up to nine thousand manats and legal persons are fined from twenty up to twenty five thousand manats and foreigners and stateless persons are fined from two thousand up to two thousand and five hundred manats followed by the banish from the territory of the Rebublic of Azerbaijan in administrative manner for religious propaganda by foreigners and stateless persons with confiscation of literature, objects and materials of subject.

Article 22

309. We note that with the support of Council of Europe, legislative acts, which regulate state registration and activities of Non-Governmental Organizations, as well as their relations with government authorities and other organizations have been drafted, developed and passed expertise. The Republic of Azerbaijan pays specific attention developing its legislation according to international standards.

310. Meanwhile, new draft laws on Professional Associations and Social Order have been drafted and law on public participation was adopted on 22 November 2013 for creating additional opportunities in favour of development of civil society.

311. State Support Conception to Non-Governmental Organizations of the Republic of Azerbaijan confirmed by Presidential Decree dated 27 July 2007, which establishes basic principles for new development stage of civil society in the Republic of Azerbaijan, should be emphasized as well. The implementation of the Conception sets out new opportunities the expansion of NGOs' web within the Republic of Azerbaijan, therefore to achieve active participation of individuals from different regions of Azerbaijan at state-building process.

312. Nevertheless, the meeting of state officials and chairmen of NGOs were held in line with initiative of the President of the Republic of Azerbaijan in order to improve relationship among civil society and state authorities.

313. Nowadays most of state programs (National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan) cover cooperation with NGOs, achieve NGOs' participation in state projects, and public supervision.

314. It should be noted that the state registration of non-commercial legal entities is performed no later than within 30 days in accordance with legislation. During this period a legal entity in case of not to reject to be registered, is considered registered. Due to the grounds for rejection set out in the legislation, as any rejection of registration requires justification, unreasonable rejection cannot perform. Consequently, approximately 4,500 non-commercial entities have been registered in the Republic of Azerbaijan.

315. Nevertheless, unlike commercial entities, NGOs are able to perform their activities without registered in accordance with legislation of the Republic of Azerbaijan.

316. A number of amendments made to legislation to develop legal basis of activities of local NGOs, as well as branches and representations of foreign NGOs on 30 June 2009.

317. These amendments regulate the foundation of NGOs by foreign citizens and stateless persons, the amount of regulations budget while establishing funds, keeping records of their members, presentation of annual financial reports, use of state authority names and names of prominent persons in the names of NGOs, signing of agreements on state registration of foreign NGO branches and representations.

318. The registration of branches and agencies of foreign NGOs is carried out based on the bilateral agreements. Regulation on conducting of negotiations and in order to prepare agreement related to the state registration of branches and representations of foreign NGO in Azerbaijan Republic and conclusion of agreements have been approved by the Council of Ministers dated 16 March 2011 in order to regulate the procedure for the conclusion of an agreement.

319. The abovementioned agreement is a reciprocal arrangement between two parties (state party and organization) where each promises to perform an act in exchange for the other party's act, based on free will of the parties. The agreement in nature being a declaration serves regulating relationships between State and a NGO. The agreement

mainly includes provisions on development and national security of the State. Meanwhile as a consequence of conclusion of the agreement decision on registration of an NGO, adopted by collective opinion rather than by a single body.

320. Meanwhile, several amendments made to Code of Administrative Offences, law on Grants and law on Non-Governmental Organizations (Public Associations and Funds) on 15 February 2013. The main goals of the amendments are providing financial discipline mechanism and transparency, accounting of the funds allocated by foreign donors to social-oriented programs, promoting non-cash operations due to achieve financial transparency, creating opportunities to NGOs make public their incomes and outcomes and preventing money laundering and financing terrorism within NGOs' activities.

Article 23

321. Information regarding to this Article was provided in paragraphs 524-543 of the third periodic report of the Republic of Azerbaijan.

322. It should be noted, however, that Article 17 of the Constitution of the Republic of Azerbaijan renamed as Family, Child and State, and provisions on state protection of children deprived of parental care, prohibition of engage of children in activities that could be dangerous for their life, health or morals, as well as hiring children who have not attained the age of 15 years, implementation of state supervision on child rights were amended to the Article in question, in line with the amendments to the Constitution of the Republic of Azerbaijan, which was approved by the referendum on 18 March 2009.

323. Moreover, in accordance with the amendment made to the Constitution interference to family life is prohibited, and everyone has a right to be protected from unlawful interference to his/her family life.

324. Since 2008, the Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan has been funded a number of project submitted by civil society institutions in line with Article 23 of the International Covenant on Civil and Political Rights. The funded project mostly covers prevention of violence and harassment against women, public awareness campaigns against early marriage, family planning and trainings for youth about reproductive health, raising awareness of decreasing the number of divorces. The Council allocated 143,000 AZN to these projects during 2008-2013.

Article 24

325. Calendar year 2009 was declared a Year of a Child in accordance with the Presidential Order in order to have due regard to strengthen state support to children, meanwhile a number of projects were realized in this respect. Steps effectively providing rights and freedoms of children have been set out in National Action Plan.

326. Meanwhile, Regulation on state supervision to implementation of child's rights was confirmed by Presidential Decree dated 8 May 2012. The goals of state supervision are protecting the rights and the best interests of children set out in the Constitution of the Republic of Azerbaijan and the respective laws, creating effective environment for providing child's rights, preventing threats to child's rights. Regulation on formulation and realization of electronic information database on implementation of the rights of a child was confirmed by Decision of the Council of Ministers dated 15 January 2013.

327. Children who have lost one or both parents and without parental care are completely funded by State while studying state, municipal or private universities or colleges in

accordance with the amendments dated 19 April 2013 made to law on Social Protection of Children lost their parents and without parental care.

328. In order to determine organizational-legal basis for protection and strengthening of children's health, treatment and preventive measures for children and regulate relations arising within this field, law on Compulsory Clinical Examination of Children was adopted on 5 March 2013.

329. It is noted regarding to the registration of birth of children that in order to achieve effective and facilitated registration process, the duration for providing information about birth prescribed by law decreased from three months to one month in 2010. It is obligatory for Health authorities to submit necessary information on birth via the electronic database to the Ministry of Justice, meanwhile the respective amendment made to Code of Family and Code of Administrative Offences determining liability for head of clinic and parent for not submitting information on birth within time set out in legislation.

330. Number of necessary steps have been taken in order to facilitate registration process, as well as individuals who faced troubles when applying registration offices located in remote villages and towns, such as the competences of representatives of executive power covered registration of marriage, birth and death in accordance with Presidential Order. Moreover, one of important development in this field is establishment of "ASAN Service" centers aiming to serve most of regions of the country since 2012.

331. Nevertheless, countrywide Automatic System of Information Registration on Civil Status Acts established, a single database was formulated about operation for providing realization of birth registration procedures via contemporary information-communication technologies.

332. It should be noted that issue about court practice regarding to legislation on the rights of parents and other relatives to communicate with children, was discussed and analyzed with the participation of officials of law enforcement authorities in the Plenum of the Supreme Court on 28 October 2011. The Plenum adopted decision on implementation of respective legislation correctly and with legal certainty and formalization of a single court practice.

333. Continuous measures are taken towards to promotion of the rights of a child, strengthening social protection of children with special needs and raising public awareness on the issue in question. Law on Social Service was adopted on 30 December 2011. Complex social services for children live in harsh living conditions, such as children with disabilities, children without parental care, children living in poverty were taken into account in abovementioned law.

334. National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan confirmed Presidential Order No. 1938 dated 27 December 2011 sets out protection of the right of a child and development of social services for children with special needs as an important obligation.

335. Presidential Order on additional measures to provide social service to children with disabilities and underage children living under socially harsh conditions dated 9 January 2013 practically supported implementation of the mentioned documents and approved children's rights as one of the priority directions of social policy. According to the Law of the Republic of Azerbaijan on Social service, competitions were declared on the state order by the Ministry of Labour and Social Protection of Population in order to ensure rendering countrywide social services to children with disabilities and underage children living under socially harsh conditions in relation to execution of the above-mentioned order and specialized non-governmental organization were involved in implementation of the projects.

336. Social rehabilitation facilities were established for children with disabilities in eight regions of the country within the projects. Mobile rehabilitation services for children with disabilities were launched in ten regions. Meanwhile, day centers were established in 8 regions in order to prevent children from being taken to state orphanages and ensure access of children and families living in hard conditions to social services. Social rehabilitation services by Portage methodology were launched for children with disabilities, and in order to prevent disability among children under 7 years in four regions of the country.

337. Rehabilitation and social integration of children being socially neglected were considered in the projects as well. Children and parents are rendered psychological and legal assistance through the hot line service within the project on Social-psychological services for prevention of negligence of underage children. More than 5,000 applications were received during three years since service has been operating.

338. The goals of the project on Social rehabilitation of children being socially harmful situations faced violence and being victim of a crime in Baku, are supporting psychologically, returning them to healthy environment and family.

339. Within the framework of the project on social rehabilitation and providing social — legal services to the children neglected and committed offences, social rehabilitation of the children evading education, tending to risky behaviors, committed offences and crimes are carried out. Meanwhile, within the framework of the project, legal advice to protect the right of a child, legal representation in courts and other institutions are realized.

340. Measures are taken for social rehabilitation, protection of rights and integration into society of children subjected to street life by various reasons within the framework of the project on Social rehabilitation of orphan children (street children) being in socially harmful situations.

341. The project on Social adaptation of neglected children freed from penitentiary and special establishments, involves measures regarding social-psychological rehabilitation, education, employment and integration into society of children discharged from penitentiary establishments.

342. Social-psychological rehabilitation services and legal assistance are rendered to children and women subjected to family violence in Sumgait and surrounding settlements within the framework of the project on Rehabilitation of children subjected to domestic violence.

343. The Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan has been funded a lot of projects submitted by civil society organizations in line with Article 24 of the International Covenant on Civil and Political Rights since 2008. Funded projects mainly cover raising awareness on the rights of children with specific needs, rehabilitation and development of children with physical and mental disabilities, researching interests of children lose their parents and without parental care and organizing trainings on business, and integration of children with disabilities into society, etc. The Council allocated more than 240,000 AZN to this field during 2008-2013.

Article 25

344. The Constitution of the Republic of Azerbaijan sets out the rights of citizens to elect and to be elected to state institutions.

345. The will of the people of Azerbaijan constitutes the basis of the state authority of the Republic of Azerbaijan. The will of the people of Azerbaijan is manifested through fair and regular elections based on general, equal and direct suffrage by means of a secret and

personal ballot, as well through nationwide opinion polls — referendums based on general, equal and direct suffrage by means of a secret and personal ballot in accordance with Election Code of the Republic of Azerbaijan.

346. President elections (15 October 2008 and 9 November 2013), Parliament elections (7 November 2010), Municipal elections (23 December 2009 and 30 November 2011) and Referendum on amendments and additions to the Constitution of the Republic of Azerbaijan (18 October 2009) were held in last six years. Central Election Commission realized large-scale projects in order to hold free, fair and democratic elections, carried out awareness campaigns for electorates, set the equal conditions for candidates. The works of election commissions were available for local and international community. Web-cameras cover whole area of the country, except from areas under occupation, for continuous observations in polling stations through Internet during the Election Day were installed. Observation of election process was available for thousands of international observers, members of Mass Media, as well as ten thousands local observers without any restriction.

347. Taking into consideration the result of Armenian aggression Azerbaijani territories occupied and remains under Armenian occupation, and this fact continuously violates the rights of citizens of Azerbaijan from occupied territories who have rights to elect set out in the Constitution of the Republic of Azerbaijan and several international treaties. Electorates from occupied territories have passed through difficulties because of the occupation fact. Realizing the right to self-governing of the citizens in question is impossible because of occupation factor. It should be, therefore, noted that internally displaced persons from occupied territories are placed various areas of the country and this makes it difficult to attend in voting. Continuous measures are being taken in order to provide the rights to elect of IDPs by Central Election Commission and yet they have been provided to vote by their residing place.

348. Stateless persons meeting the requirements indicated in Article 12.1 of the Election Code and permanently residing in the Republic of Azerbaijan for no less than 5 yeas shall have the rights to vote during Presidential, Parliamentary, and Municipal elections of referendums in accordance with Article 12.2 of the Election Code of the Republic of Azerbaijan.

349. Citizens of foreign countries meeting the requirement indicated in Article 12.1 of the Election Code and residing within the territory of a relevant municipality for no less than 5 years, shall have the right to vote in municipal elections (provided the same rights to voting in municipal elections are recognized for foreigners in their native countries) in accordance with Article 12.3 of the Election Code of the Republic of Azerbaijan.

350. Information regarding to Article 25 of the International Covenant on Civil and Political Rights is provided in previous this Report.

Article 26

351. Information regarding whether Article 26 of the International Covenant on Civil and Political Rights is reflected in legislation is provided in the previous paragraphs.

352. We note regarding to paragraph 19 of the Concluding Observations that not a single application or complaint on harassment of individuals because of their sexual orientation by penitentiary authorities and prisoners so far.

353. It is stipulated that the employee of the Penitentiary Service shall be polite towards all persons detained in penitentiary facilities and shall respect their rights in the Code of Ethics for Justice Employees adopted by the 29 November 2007 Order of the Minister of Justice of the Republic of Azerbaijan.

Article 27

354. After gained its independence, the Republic of Azerbaijan as a full member of the international community and being secular, democratic and legal state, accepting primacy of the universal values, and providing of human rights and freedoms has become priority of state.

355. In accordance with Article 25 of the Constitution, the Republic of Azerbaijan guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging.

356. The Republic of Azerbaijan provides national minorities residing within the territories of the country to live together with Azerbaijani people and have the same rights.

357. Through centuries, various ethnic minorities have been living in peace along with Azerbaijani people and any discrimination or intolerance based on ethnicity, religion, language and cultural differences have not been recorded.

358. The Resident Registration is conducted based on place to live and place of residence, documentation process is not based on nationality or ethnicity, any discriminative provisions on this matter is not existed in the legislation of the Republic of Azerbaijan, since one of the primary goals of the state are to provide rule of law and to constitute a secular, democratic and legal state.

359. All necessary steps are being taken in order to prevent racial discrimination and xenophobia in the Republic of Azerbaijan.

360. During the reporting period as a rational consequences of state guarantee to right to equality set out in the Constitution of the Republic of Azerbaijan and of the measures have been taken, any attitudes to national and racial hostility, degradation of dignity, restrictions or privileges to the rights of citizens based on their national and racial background, as well as ant crime against the right to equality have not been recorded.

361. Every group of people and ethnic groups, as well as people belonging to various religious groups are able to freely enjoy their constitutional rights and freedoms without any interference; meanwhile persecution and discriminatory treatments by public authorities have not been recorded. Care and respect towards to such groups derived from national mentality as it has always existed and still is continuing in Azerbaijan.

362. In accordance with Article 5 of the Law on Police establishes the provisions that "police protect rights and legal interests of all persons, established by the Constitution of Azerbaijan Republic and intergovernmental agreements to which Azerbaijan is party, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions and membership in political parties, trade unions other public organizations while executing his/her duties."

363. Article 6 (principles of equality before the law), Article 109 (prosecution, i.e. prosecution of any group or organization by political, racial, national, cultural, sexual or other bases prohibited by the internal legal norms, that means, roughly depriving persons of fundamental rights by the reason of their belonging to certain groups or organizations, in case these activities are related to crimes against humanity), Article 111 (racial discrimination, apartheid, i.e. organizing and maintaining superiority of one racial group for enslaving another group), Article 154 (violation of equality right), Article 283 (exciting national, racial or religious hostility) of the Criminal Code of Azerbaijan Republic establish scope of those actions considered crime for being dangerous for personality and society,

kinds, limit and volume of punishments applied against them and other criminal-legal measures.

364. Discrimination for racial, ethnical and national belonging in the procedures applied in relation to persons seeking shelter in Azerbaijan Republic, including illegal migrants is excluded.

365. Cooperation between the United Nations High Commissioner for Refugees and Ministry of Internal Affairs was highly ensured in the direction of non-allowance of discrimination for racial, ethnical or national belonging among the persons seeking shelter and application of additional protection forms in relation to individuals not officially recognized as refugees and being in need of protection.

366. According to the Law of Azerbaijan Republic on Government Service, citizens professionally trained for meeting the requirements of relevant posts are recruited to government service, including to internal affairs authorities, special kind of government service, irrespective of race, nationality, language and religion.

367. Approximately 2,000 representatives of national minorities, such as Russians, Tatars, Jews, Greeks, Georgians, Uzbeks, Mahsati turks, Tats, Talishes, Kurds, Avars, Ingiloys, Sakhurs, Laks, Udins and other national minorities, as well as hundreds of employees belonging to national minorities are employed in Ministry of Internal Affairs.

368. Approximately 20 judges belonging national minorities work in the courts of the Republic of Azerbaijan, such as appellation courts, the Supreme Court, the Constitutional Court. It should, therefore, noted that a representative of national minority was appointed to the Judicial-Legal Council.

369. Up to 150 representatives of national minorities work in judicial bodies, such as Ministry of Justice, other agencies. Some of them are senior officials.

370. In accordance with the National Action Plan the work in the field of protection and development of cultural heritage of the minorities by the authorities is being continued.

371. In accordance with Article 7 of Law on Education dated 9 June 2009, upon the request of citizens and founders of education center, in some cases, taking into consideration state education standards, the subjects except from Azerbaijani language, Azerbaijani Literature, History of Azerbaijan and Geography of Azerbaijan are able to be taught in minority language. In line with Article 32.3.2 of the mentioned law, pupils and students belonging to national minorities are entitled to choose freely language for instructions.

372. Article 6.3 of law on culture dated 21 December 2012 stipulates that State guarantees the equality of culture, rights and freedoms and the equality of protecting their culture, cultural identity, reserving, strengthening and developing cultural resources for minorities living in its territory. In accordance with Article 27.3 of abovementioned law, state monitoring on culture consists of observations over situation of cultural diversity of the minorities.

373. Since 2008, the Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan has been funded a number of project regarding to Article 27 of the International Covenant on Civil and Political Rights submitted by civil society institutions. The funded projects mostly cover measures on supporting to promote awareness among national minorities on their rights of voters, protecting of cultural heritage of Bulgarian national minority in Azerbaijan. Generally, 120,000 AZN were allocated for the projects during 2008-2013.